



Challenges to the Western Position In and Around Berlin

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An Intelligence Assessment

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An Intelligence Assessment

This paper was prepared by [redacted]
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Summary

*Information available
as of 3 February 1985
was used in this report.*

During 1984, the Soviets and East Germans took a series of actions in and around Berlin that further eroded Western rights based on four-power agreements and/or longstanding practice. As a result, the Western position in this region is not as good as it was a year ago.

Recent Soviet actions primarily reflect Moscow's long-term goal to change the status quo to its advantage whenever opportunities arise to do so without provoking a crisis. The Soviets apparently view an incremental approach to change in quadripartite arrangements as the best means of gaining Western acquiescence in their interpretation of the rules governing access to Berlin. Similarly, they remain motivated by a desire to enhance the sovereignty and legitimacy of the East German regime, especially when they estimate that the risks of Allied counterreaction are small. And the Soviets and East Germans are always watchful to stymie any perceived West German efforts to strengthen political ties between the Federal Republic and West Berlin. But the Allies, not the West Germans, appear to have been the primary target of Soviet actions in 1984.

The Soviet Union took steps in early December apparently designed to defuse Western protests over its actions last year and to avoid the appearance of an East-West confrontation over Berlin. This seeming flexibility may have been timed to influence Allied discussions of Berlin issues at the December NATO ministerial meeting. It also may have reflected increasing Soviet interest in smoothing over secondary disputes with the United States in anticipation of the meeting between Secretary Shultz and Foreign Minister Gromyko in early January.

The adverse actions taken during 1984 involved technical matters and have antecedents in earlier disputes. In addition to supporting the Soviets' long-term quest for advantage, the steps could also be interpreted as an effort to remind the West of its vulnerability in Berlin at a time of heightened East-West tension:

- On 20 February, the Soviets launched their most serious challenge to quadripartite management of the air corridors in recent years by unilaterally announcing that henceforth all Soviet temporary reservations of lower level airspace in the corridors would cover the entire length of the corridors. Previously, they had only requested reservations for part of the corridors. Although the new restrictions have not reduced the number of Allied air flights to Berlin, they have, in the view of Allied authorities, created a safety hazard.

- On 16 May, the Soviet military command in East Germany informed the Allied military liaison missions of new restrictions on their travel in East Germany that significantly reduced their intelligence-gathering capabilities by making it more difficult to approach areas of military interest.
- On 15 November, the East Germans closed the Glienicker Bridge, the military liaison missions' primary transit point between West Berlin and their headquarters in Potsdam. Although the bridge was reopened on the same day, the East Germans indicated that it would be closed again if the West Berlin Senat (government) did not agree to their terms for financing repairs to and maintenance of the bridge.

As a result of seeming new Soviet and East German flexibility in December, some progress toward ameliorating differences has been made on two of these issues. Soviet officials in West Berlin "notified" several reservations for less than the full length of the corridors and indicated that most future reservations will include similar geographic limits. In addition, the East Germans and the Senat reached an agreement on the Glienicker Bridge in which the East Germans backed away from their insistence that West Berlin pay for its maintenance. Because the East Germans had no apparent direct interest in coming to a quick agreement to keep the bridge open, we believe their retreat probably was at the behest of the Soviets. But, despite their recent readiness to seek compromises, the Soviets still are asserting the right to make unilateral adjustments in the air corridor regime, contrary to the Allied position that the corridors remain a four-power responsibility.

We believe that Soviet frustration over failing to block INF deployments contributed to last year's troubling actions on Berlin issues. Soviet restrictions on the air corridors and military liaison mission travel have an inherent military rationale suggesting that recommendations by Soviet military commanders in East Germany—whose military requirements now differ considerably from those that existed when the access understandings were established—may have weighed heavily in Kremlin deliberations. Soviet political authorities may have approved such recommendations as a convenient way to signal to the West the costs of increased East-West tensions. Soviet decisionmaking regarding Berlin may also have been affected by leadership changes in Moscow. The air corridor and military liaison mission travel decisions were implemented at a time when the top-level leadership picture was in considerable flux after the accession to power of General Secretary Chernenko and may reflect increased influence on the part of Gromyko.

The degree of Soviet and East German harassment to date almost certainly does not in itself endanger the Western presence in Berlin; Western access has been inconvenienced but not reduced or explicitly threatened. Indeed, a consensus appears to exist among US experts on Berlin that the West does not face an imminent crisis in Berlin and that the situation remains relatively calm, especially when compared with periods in the past and to the high level of East-West tension in recent years.

The West nonetheless faces a difficult task in responding to Soviet and East German encroachments. The three Western powers sometimes are not in agreement on how to respond. Moreover, there would be little public sympathy in Western Europe for any Allied effort to escalate issues that almost certainly would be perceived as minor—such as the extent of corridor reservations—into a major East-West confrontation.

The prospects for a settlement that restores a greater measure of quadripartite management of the air corridors or leads to geographic limits on reservations more acceptable to the Allies probably would increase if an East-West thaw leads Soviet authorities to decide that Berlin issues are not worth the potential damage to improved relations. A more cooperative Soviet attitude also may come about if President Reagan decides to visit West Berlin in May: the Soviets, anxious to maintain the perception that they were not doing anything to disrupt the calm in Berlin, became unusually cooperative on several issues before the President's last visit in 1982.

The Soviets might also move to satisfy Allied demands if the West, despite possible problems with Western public opinion, escalates its response to unilateral actions beyond verbal protests. This would appreciably boost the potential costs to Moscow of its piecemeal efforts to erode Allied access. But such Allied reactions are risky since we cannot be certain how the Soviets will respond. The Soviet response to a specific Allied action would depend on the nature and timing of the action, the local circumstances leading up to it, the state of East-West relations at the time, and other factors such as leadership politics in Moscow.

Given the West's vulnerability in Berlin, the Allies have few options in responding to Soviet behavior, while Moscow has many options for counterreactions. The Allies could take actions against Soviet interests in and around Berlin, but these would be largely limited to harassment of Soviet personnel. Another option would be to take action on a non-Berlin issue of importance to Moscow, clearly linking such a move to the Soviet

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position on Allied rights in Berlin. For example, the United States could tie continued refusal to reinstate US landing rights for Aeroflot to the air corridor issue. The Allies could also make further high-level demarches, perhaps accompanied by a stated readiness to send demonstration flights through disputed airspace at the eastern ends of the corridors. These options would not carry the risk of a military incident in Berlin, but could nevertheless provoke Soviet counterreactions, including increased harassment of Allied personnel in and around Berlin.

Actual demonstration flights through disputed airspace would be the riskiest option since they could result in the shooting down of an Allied aircraft. Even if the Allies were to limit their penetration of reserved airspace to the disputed miles at the ends of the corridors, the Soviets could increase military air activity in the area to enhance the risk for the Allies of midair collisions.

Although risks always will exist, we believe there are conditions and times when strong Allied responses—including demonstration flights—have a greater likelihood of successfully deterring the Soviets from abridging Allied rights, or of forcing the Soviets to acknowledge Western positions. Ironically, we believe a strong response is more likely to achieve Western objectives when Moscow has a solidly perceived interest in improved relations with the West. In such an environment, Soviet leaders probably would be more reluctant than they are now to permit Berlin issues to pose an unnecessary burden on overall East-West relations. We also believe the effectiveness of stronger Allied actions would be greater—and the risks probably less—if they were taken in the early stages of a dispute.

In the case of the air corridors, a strong response shortly after 20 February 1984 would have demonstrated to the Soviets how seriously the Allies viewed the situation. Indeed, available evidence shows that the Soviets did not initially use the disputed airspace, suggesting they probably were waiting to see how the Allies would respond. We believe that now, however, the risks are fairly high that stronger actions would undercut—rather than reinforce—the apparent recent Soviet willingness to compromise on Berlin issues. The leadership situation in Moscow and the course of East-West relations remain uncertain, and statements by Soviet officials in Berlin indicate they believe they already are taking steps to assuage Allied concerns on Berlin issues. At some point in the future, especially if US-Soviet relations improve and the Soviets continue to impinge on Allied rights, stronger actions may stand a greater chance of success at lower risk.

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More serious Soviet challenges to the West in and around Berlin cannot be ruled out. On the one hand, West German efforts to increase the Federal Republic's ties to West Berlin could provoke Soviet retaliation. At the moment, West Germany is a special target for Soviet hostility, albeit for its alleged drift toward "revanchism," and not specifically for any activities it is undertaking in Berlin. A perceived Allied failure in the future to contain assertive West German behavior in Berlin, therefore, could provide Moscow the pretext for seeking further changes in the status quo in Berlin. And, West German actions aside, Berlin will remain an arena in which Moscow can bring pressure to bear on the Western Allies, specifically the United States. In the event that East-West relations do not develop favorably from Moscow's point of view, or that US actions are perceived as dangerous to important Soviet interests in regions less accessible to Soviet military power, Moscow might be tempted to exploit its inherent leverage over Western access to Berlin in more direct and threatening ways.



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Challenges to the Western Position In and Around Berlin

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Introduction

During the early postwar years, Soviet efforts to eliminate the Western presence in Berlin were a major source of East-West tensions and a symbol of the Cold War. Today West Berlin is less visible as a flashpoint of East-West tension. Soviet attitudes toward the Western presence in that city began to change as the East German regime became more stable—a process that began with construction of the Berlin Wall in 1961. And in 1971 the four occupying powers—the Soviet Union, the United Kingdom, France, and the United States—concluded the Quadripartite Agreement (QA) acknowledging the status quo in Berlin and defining West Germany's ties to West Berlin.

Nonetheless, West Berlin continues to be a point of Western vulnerability because of its location 180 kilometers (110 miles) inside East Germany, and we believe that the Soviets still hope ultimately to reduce the Western presence in the city. Indeed, the Soviet Union and East Germany have continued on and off to chip away at Allied rights. Efforts to halt this erosion often are frustrated by the complexity of the issues involved—and sometimes by a simple lack of awareness that erosion is under way. This paper focuses in detail on Soviet and East German efforts since 1979 to erode the Western position in and around Berlin.

times between 1980 and 1982 that Soviet officials were cooperating on a number of issues of interest to the Western powers and were going out of their way to stress their interest in maintaining good relations in Berlin. The Soviets had, however, stiffened their line somewhat on matters related to West German ties to the city, and the Mission thought this probably was a warning to the new government of Chancellor Helmut Kohl.

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Even during 1983, the "year of INF," the Soviets generally avoided threats to Berlin. While Soviet leaders publicly proclaimed that INF deployments in West Germany would violate the spirit and letter of Bonn's bilateral treaties with Moscow and East Berlin, they avoided casting similar doubt on the status of the QA. Indeed, with a few vague exceptions, the Soviets gave assurances that INF deployments would not affect the situation in Berlin:

- During Kohl's trip to Moscow in July, Andropov reportedly assured the Chancellor that the Soviets would abide by the QA and that they were interested in maintaining a quiet situation in and around Berlin.
- In October, a Soviet diplomat insisted in a meeting with the US Minister in West Berlin that there would be no difficulty with the three Western Allies in and around Berlin following INF deployment.

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Stability Despite Tension

Soviet and East German actions last year against the Western position in and around Berlin once again raised questions about the extent to which the East may take advantage of Western vulnerability during periods of heightened East-West tension. From a historical perspective, however, the situation in Berlin has remained generally stable despite the deterioration in East-West relations since 1979 resulting from the Soviet invasion of Afghanistan, Moscow's threats to Poland, and NATO's INF modernization decision. The US Mission in West Berlin commented at various

Soviet Interests in Berlin

Since the construction of the Berlin Wall and West Germany's quasi-recognition of East Germany a decade later, the Soviets and East Germans appear to have come to perceive West Berlin to be less of a threat to the East German regime's stability than earlier. As a result, Moscow probably feels less pressure to change the "status quo."¹ Indeed, since 1961 Soviet actions have focused far less on ousting the Allies than on constraining West Germany's role in West Berlin. The Soviets probably realize that making direct threats to Berlin historically has weakened their ability to drive wedges between Western Europe—especially West Germany—and the United States. Such threats would risk jeopardizing Moscow's economic relations with Western Europe more so than aggressive actions elsewhere in the world, including Afghanistan and Eastern Europe.

There also are symbolic, political reasons for the Soviets to favor the status quo in Berlin: their role in conjunction with the United States, France, and the United Kingdom is a symbol of the USSR's status as a world power and World War II victor. Despite its efforts to promote the legitimacy of the East German regime, Moscow also probably sees its interests served by continuing to have the four powers be responsible for determining the future of "Germany." Moreover, its involvement in four-power responsibility for Berlin gives Moscow some added leverage over the East German regime, if only because Moscow can claim ultimate responsibility for East Berlin.

Moscow, however, also has interests that conflict with those of the Allies. In particular, the Soviets consistently have sought to isolate West Berlin as a separate

¹ Throughout this assessment, the term "status quo" will be defined as Moscow's acceptance of an indefinite Western presence in West Berlin and the means to sustain it. It does not mean that Moscow does so gladly, or that it accepts the Western view of the legal basis for Allied access.

political entity. Because Moscow wants to promote East Berlin as the capital of East Germany, it repeatedly tries to get the Allies to deal directly with the East Germans on some matters that in fact are the responsibility of Soviet authorities. The Soviets have demonstrated throughout the postwar period that they will, whenever possible, erode Western rights and seek to win acceptance of their interpretation of the rules governing Western access to Berlin. We believe that, when it senses an opportunity, Moscow will continue to seek to limit Western military access and rights of transit in East Berlin and East Germany and to satisfy the security requirements and sovereignty demands of the East German regime.

Although most experts agree that Allied rights have stood up to erosion remarkably well given the overall vulnerability of the Western position in Berlin, the Soviets and East Germans have made inroads. Some cases, including the Soviet challenge to quadripartite management of the air corridors, will be detailed in subsequent sections of this paper. The only broad area where the West has accepted the Soviet and East German position—and the West still refuses to admit formally that it has—is that East Berlin is the capital of the German Democratic Republic. The Western position lost considerable credibility when the Western powers established diplomatic relations with East Germany and situated their embassies in East Berlin.

In recent years, there have been a few areas where quadripartite management has prevailed. Although these cases do not relate directly to Allied access, they do suggest some Soviet flexibility regarding cooperation with the Allies:

- Agreement was reached in 1982 ending a longstanding dispute over disposal of Rudolf Hess's remains once he dies.
- The Soviets, to the surprise of US diplomats, avoided unnecessarily complicating the East German negotiations with the West Berlin Senat (government) that turned control of the S-Bahn in West Berlin over to West Berlin authorities.

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- Agreements have been reached on tariffs to be paid by the West German Bundesbahn to the East German Reichsbahn for passenger and freight traffic transiting East Germany to and from Berlin. [redacted]

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There also have been several instances where the Western position has to a certain extent been improved:

- Direct air service has been established from West Berlin to several non-West German destinations in Western Europe.
- The Soviets and their allies have been raising fewer objections than in the past about the inclusion of West Berliners in West German delegations to international conferences. [redacted]

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Soviet and East German Challenges

The murky legal foundations of Western access rights to Berlin, as well as differing interpretations of the status of Berlin, provide the Soviets and East Germans with numerous opportunities to attempt to establish new precedents and to test the will of the Allies. In most cases, the original agreements involving four-power cooperation remain vague and general with no specific procedure described. As a result, the daily life of quadripartite management often has depended on practices established by precedent. [redacted]

Challenges to Allied Movement

The exercise of the right of free access to all sectors of Greater Berlin, while not vital to the security of the Western sectors, is an important element of such "established practices." It is the most visible manifestation of the Allied legal position that all four sectors of Berlin remain under occupation. The only remaining visible distinction between East Berlin and East Germany is the presence in the former of Allied soldiers uncontrolled by East German authorities. At the same time, free access is the most vulnerable of Allied practices and is not sanctioned in any legal arrangements undertaken between the Soviet Union and East Germany. [redacted]

Differing Legal Interpretations. The Soviets and Allies differ in their interpretation of free access. The Allies maintain that their forces and diplomats should

be able to move freely throughout the city. Such free access—based on a verbal agreement in 1945 between General Clay and his Soviet counterpart—was considered a necessary corollary to Berlin's four-power status. The Allies also maintain that sector boundaries should not take on the characteristics of international borders, and that the Soviets themselves are responsible for ensuring Allied free access. In contrast, the Soviets would like to interpret free access as restrictively as possible and repeatedly have stated that free access was meant to be limited to persons who are directly associated with Allied occupation forces in Berlin. [redacted]

The Soviets face a dilemma on the free access question. On the one hand, they would like to see a reduction in the Western presence in East Berlin and, indeed, are under great pressure from the sovereignty-conscious East Germans to help bring this about. Moscow also appreciates that Allied acceptance of East German—as opposed to Soviet—controls at east/west sector crossings amounts to Western recognition of East German sovereignty over East Berlin (thereby creating the impression that the sector crossing is an international border). At the same time, however, the Soviets do not want to provoke the Western powers to institute similar controls on the free movement of Soviets into and inside West Berlin. [redacted]

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Problems at Checkpoint Charlie. Until the Soviets initiated unilateral changes in air corridor reservations last year, the most serious challenge to Western rights since East-West relations began to deteriorate in 1979 was the East German attempt to gain greater control over diplomatic traffic at Checkpoint Charlie (see inset and figure 1). In the spring of 1981, East German authorities began to detain diplomatic passport holders moving west through the checkpoint who had entered East Berlin from locations other than West Berlin. This practice frequently has involved delays of an hour while East German authorities ascertain the traveler's point of origin. The US Mission believes that the harassment was authorized by the Soviets as a result of strong East German pressure. The pressure may have been the result of

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Background to the Checkpoint Charlie Problem

In accordance with postwar understandings, uniformed military personnel can move through Checkpoint Charlie without showing any documentation. And, since construction of the Berlin Wall, civilian members of forces show documentation issued by Allied authorities simply to prove they are members. Diplomatic and official passport holders show the cover and picture page of their passports--known as the diplomatic passport "flash" procedure. [redacted]

Between 1961 and 1974, most travelers through Checkpoint Charlie went from west to east and returned to the west on the same day. The present problem developed after the United States established diplomatic relations with East Germany in 1974, and the number of people traveling east to west through the checkpoint increased. Especially offensive from the Soviet and East German perspective was that more and more official visitors transiting the checkpoint had no direct association with the occupation forces in West Berlin. And in 1978 the US Mission in West Berlin agreed to assist rail transit travelers from East European posts across the sector-sector boundary to avoid passport controls. [redacted]

The number of east-to-west crossings by officials who entered East Berlin from places other than West [redacted]

Berlin picked up sharply as a result. For example, in September 1980, when East Berlin hosted the annual conference of the Inter-Parliamentary Union, the Allies issued diplomatic passports to their delegates, and shuttle buses transported them back and forth to West Berlin. East German authorities, of course, would have preferred that the delegates arrive at East Germany's Schoenefeld Airport, submit to East German port of entry controls, and spend hard currency by staying at hotels in East Berlin. [redacted]

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In the period since the East Germans began to harass diplomats at the checkpoint, the Allies have protested to the Soviets that no limitations had ever been built into the diplomatic passport "flash" procedure. The United States had made it clear to the Soviets and East Germans at the time diplomatic relations were established that this would mean an increase in traffic at the checkpoint. According to the US Embassy in East Berlin, 75 percent of those delayed have had official or personal business with the Embassy. The Soviets, however, refused to intervene with the East Germans on the Allies' behalf, suggesting that the problem might be resolved in direct discussions with the East Germans, or by routing non-Berlin diplomatic traffic through the Drewitz crossing point. [redacted]

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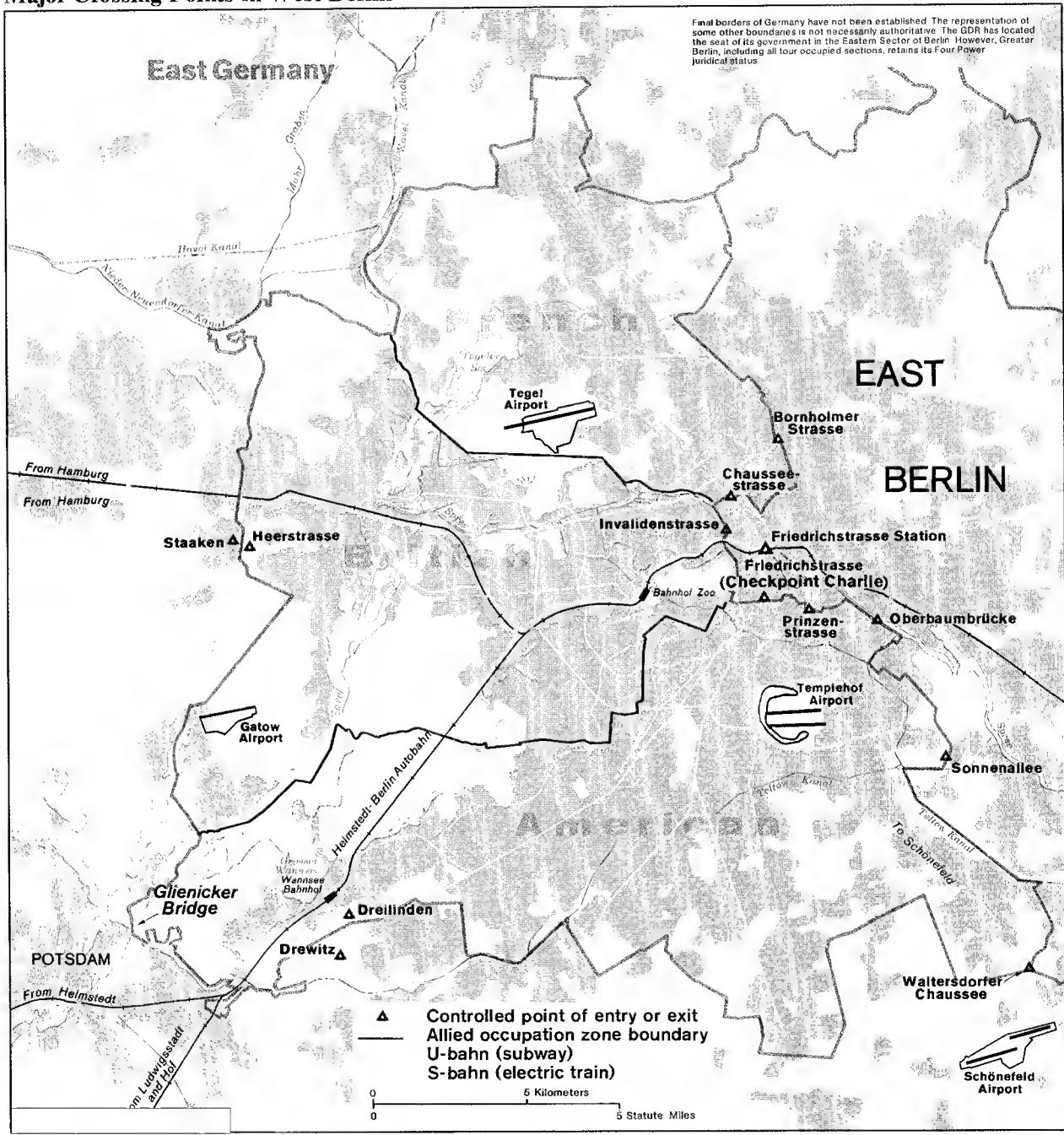
concern by East German security authorities that they could not control access and entry to East Berlin by Allied travelers coming from Eastern Europe. Moreover, an increase in uncontrolled east-to-west traffic could facilitate attempts to exfiltrate East German citizens. Finally, for the East Germans this issue was of great symbolic and practical importance. The Soviets, for their part, probably were sympathetic to the East German position in part because they regarded the increase in Western official travelers going east to west through the checkpoint as "a new Western practice" that should be discouraged. The Soviets presumably estimated that the Allies would not consider the checkpoint delays as significant enough to retaliate. [redacted]

The problem of delays continues, albeit at a much reduced level since US authorities began to limit opportunities for such incidents by encouraging diplomats from East European countries not to enter West Berlin from the east. When incidents have occurred, delays sometimes have been shortened when Allied authorities sent military vehicles to block all traffic at the checkpoint until the detainee was released. The United States demonstrated its unhappiness about the checkpoint delays to the East Germans by instituting a policy of having official visitors with business in East Berlin stay overnight in West Berlin, resulting in a loss of hard currency for the East Germans. We

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Figure 1
Major Crossing Points in West Berlin



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believe, however, that, from the East German standpoint, this monetary loss is far outweighed by the security and symbolic political gains. [redacted]

This problem is a classic case of Eastern erosion of a right to which the Allies believe they are entitled. In effect, the East Germans have been able to hinder a growth in the number of Allied diplomats moving freely in an east-to-west direction, and in this sense they have achieved a victory. It is important to remember, however, that, despite the delays, no Allied diplomat has yet been denied access to West Berlin from the east. From Moscow's view, the risks of Allied retaliation against Soviet free access to West Berlin would have been much greater if the East Germans had been permitted to go so far as to deny access to diplomats. And, although the Allies have yielded in practice by deliberately minimizing the number of east-to-west transitors, they still can maintain formally that free access continues to exist. [redacted]

A second potential Checkpoint Charlie problem emerged last year when the East Germans informed the West Berlin Senat that they would begin some construction work at the checkpoint on 1 August. On 12 July, the Allies made a demarche to the Soviets and received informal assurances that Allied access to East Berlin would not be hindered. Although in fact Allied access has not yet been restricted, the construction measures threatened to reduce the ability of the Allies to retaliate for detained diplomats by blocking the whole checkpoint with a single military vehicle. [redacted]

Flag Patrol Incidents. The most visible manifestation of free access continues to be Allied and Soviet military patrols (flag tours) throughout Berlin. They no doubt also are the most irritating for East German authorities. In 1977 the Soviets proposed ending, or at least severely restricting, the practice of sending Allied flag tours into East Berlin. The Soviets backed off when the Allies rejected the suggestion and prepared an elaborate series of countermeasures against Soviet patrols in West Berlin. Soviet patrols in West Berlin were stepped up after this episode; currently 10 to 15 US patrols travel through East Berlin every week. [redacted]

The Soviets, and in particular the East Germans, have since continued periodically to discourage Allied flag patrols, which they probably realize are of limited practical utility to the Allies anyway. Although harassment of Allied patrols remains at a relatively low level by past standards, there has been a handful of such incidents within the last few months, including one in which a US soldier was injured. Following an incident on 19 September, the Soviets informed the US Mission that they no longer would come to the scene of incidents and that the Allies would have to deal with East German authorities. It still is too early to judge the sincerity of the Soviet threat as there have been only a few incidents since September. The Soviets did intervene in an incident involving a British patrol on 26 September, but failed to intervene in one involving a US patrol on 5 November and a French vehicle on 13 November.² [redacted]

The Air Corridors

Soviet behavior during the controversy that emerged last year over the air corridors linking West Berlin and West Germany portends more serious problems for the Western position in Berlin. Since last February, the Soviets have mounted a serious challenge to quadripartite management of the air corridors by unilaterally imposing lower level airspace reservations extending the entire length of the corridors. The system of quadripartite management established in postwar agreements gives all four powers equal rights in the corridors and permits changes in the air regime only by unanimous consent. Soviet success in unilaterally making changes in the air regime, in our view and those of US officials on the scene, would result in a

² The following report from the US Mission in West Berlin describes the way a US flag patrol was harassed by East German authorities on 5 November: "As the flag patrol vehicle moved to make a left turn at the intersection, a Vopo (East German police) backed into the vehicle and began striking at it with his baton. The US driver got out of the vehicle, demanding that the Vopo stop banging on it and that a Soviet officer be sent to the scene. The Vopo, however, ignored the request and began throwing batteries from his baton at the driver. When a second patrol member took photographs of his behavior, he (the Vopo) slammed the vehicle door on that soldier's head. After some further threatening gestures, the US soldiers got back in their vehicle, cleared the intersection, and then parked to report the incident to superiors by radio." [redacted]

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The Berlin Air Regime

The three Western powers and the Soviets agreed on Allied air access to West Berlin in late 1945, according to the minutes of the Allied Control Council for 30 November. In February 1946, the four occupying powers created the Berlin Air Safety Center (BASC) to regulate air traffic. Three corridors varying in length from 123 to 226 nautical miles were established, connecting West Berlin to Hamburg, Hanover, and Frankfurt. Following the Berlin Blockade of 1948-49, the four occupying powers again agreed in the New York and Paris agreements of May and June 1949 on joint management of the corridors and guaranteed access for the Western powers.

The 1946 agreement also established the Berlin Control Zone (BCZ), an area with a 30-kilometer (20-mile) radius around the Allied Control Authority (ACA) Building in downtown Berlin. The circle is defined as an area of 'free flight' for US, Soviet, French, and British aircraft. The BCZ specifically has a 10,000-foot ceiling. The three corridors intersect at a spot 56 kilometers (35 miles) from the ACA and 24 kilometers (15 miles) from the western edge of the BCZ (see figure 2).

The 1946 Four Power Agreement on Rules of Flight remains the basis for Allied air access to West Berlin. The agreement stipulates that each corridor is to be 30 kilometers (20 miles) wide and that the minimum corridor cruising altitude is to be 1,000 feet. The Soviets contend that the base of the corridor is 2,500 feet, but US officials apparently do not believe this a serious point of contention as Allied planes do not normally fly below this altitude. The agreement did not specify an altitude ceiling for the corridors. The Soviets long have claimed a ceiling of 10,000 feet, the same as that for the BCZ. The Allies reject this interpretation in principle, but accept it in practice as few Allied flights have exceeded 10,000 feet since 1960. Only when Soviet reservations cover lower altitudes do the Allies fly above this ceiling.

acquiescence would seem to support Moscow's claim that the Soviet Union possesses ultimate authority over air access to West Berlin. This Soviet claim, if it were publicized and carried far enough, could endanger the continued social and economic viability of the city in view of the importance of air access and the Allied role in it.

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Evolution of the Reservation Problem. Disputes over use of the corridors have occurred since the end of World War II, and the roots of the present controversy go back several years:

- In 1978, the Soviets began to reserve exclusive use of airspace at low levels in parts of one or more corridors at infrequent and short intervals.
- In 1980-81, the four powers worked out a modus vivendi whereby Soviet reservations would be treated as "requests" instead of "demands." This arrangement allowed the Allies to maintain that quadripartite management continued to exist.
- After 1981, the frequency and duration of the reservations increased as the Soviets requested additional lower-corridor airspace for their military exercises.

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• On 2 April 1983, the Soviets announced the total closure of one entire corridor—as opposed to simply reserving lower-level airspace—for the first time in a decade.

• Throughout the summer of 1983, the Soviets took a particularly harsh line on Allied deviation from corridor airspace in bad weather.

• On 20 February 1984, the Soviet air controller in the Berlin Air Safety Center (BASC) announced that all future Soviet reservations of lower-level airspace would cover the entire length of all three corridors (previous reservations of airspace had never covered the entire length of the corridors).

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serious derogation of Allied access rights. The precedents established could facilitate further Soviet restrictions on Allied use of the corridors because

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Figure 2
The Berlin Air Regime



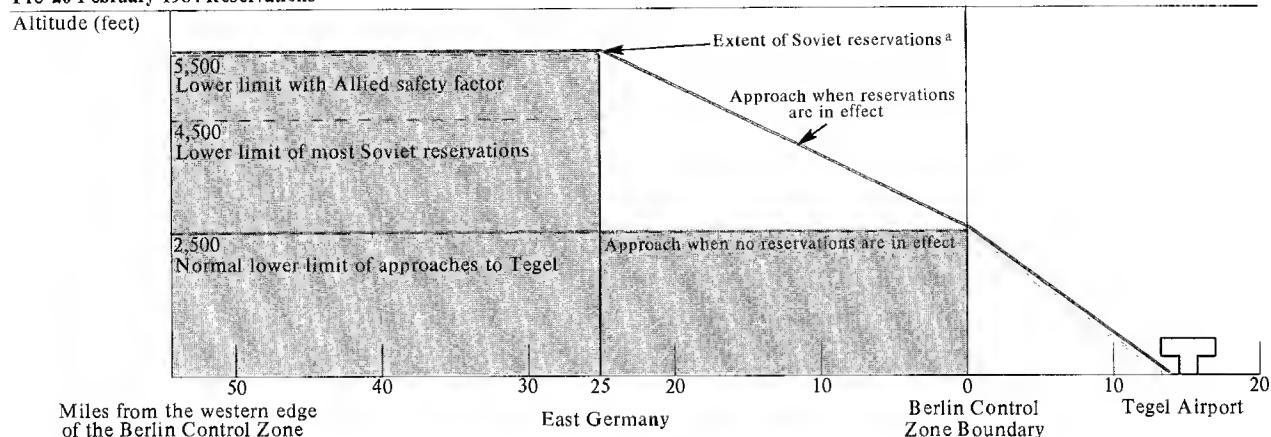
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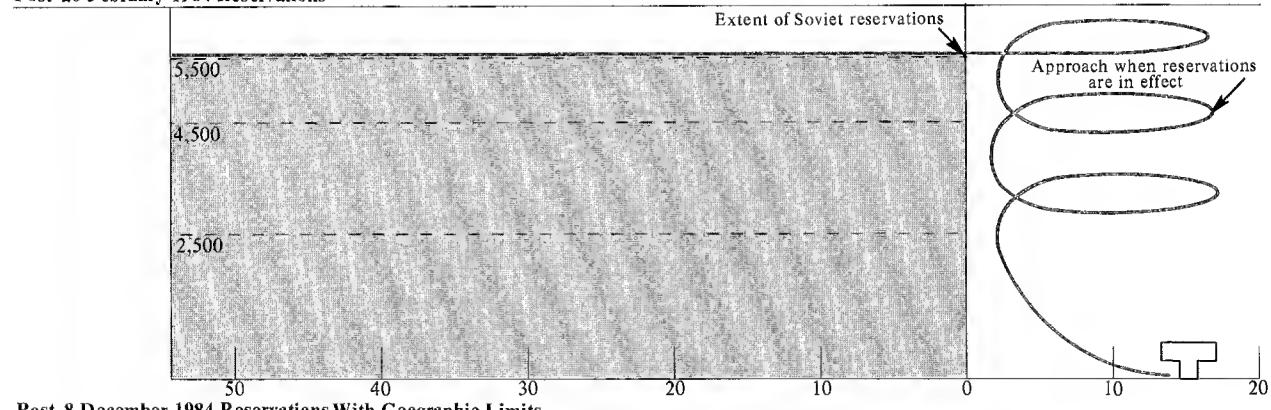
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Figure 3
Impact of Soviet Reservation Changes on
Approaches to Tegel Airport

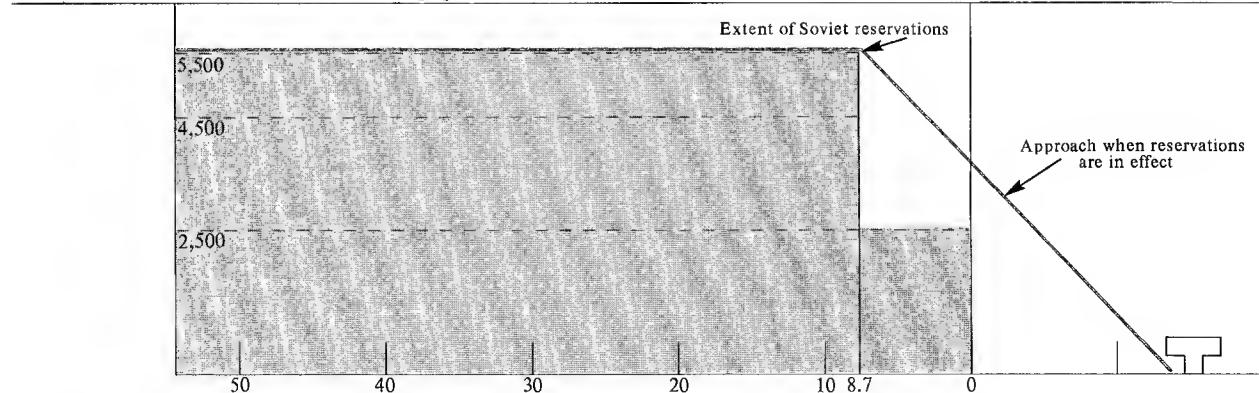
Pre-20 February 1984 Reservations



Post-20 February 1984 Reservations



Post-8 December 1984 Reservations With Geographic Limits



^a The eastern lateral limits to reservations most frequently used before 20 February 1984 were lines drawn perpendicular to the corridors through three East German towns 21 to 31 miles from the edge of the Berlin Control Zone.

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The Soviet approach announced last February presents several challenges. The new length-of-the-corridor reservations create technical difficulties that could affect the safety of Allied flights. The most serious aspect is the high altitude at which Allied flights must approach the Berlin Control Zone (BCZ) when reservations are in effect, requiring rapid and steep approaches and departures. US officials note that, depending on aircraft type and weight as well as weather and traffic conditions, traffic controllers need the option for flights to enter or leave the BCZ as low as 2,500 feet in order to have a normal rate of descent or ascent to and from Allied airports. With the new Soviet policy, however, flights often are required to approach/leave the BCZ at 5,500 feet, and sometimes higher. On occasion, Western flights have had to circle within the BCZ to gain the proper altitudes for arrivals and departures. In addition, the Soviets periodically have given only very brief advance warning—a half hour in one instance—causing additional problems in adjusting air traffic patterns. As yet, no serious safety incidents have occurred involving Allied aircraft. This can be largely attributed to favorable weather conditions and successful air traffic adjustments when new reservations have been in effect.

change on 20 February. Largely due to a change in training procedure, the number of Soviet military exercises in East Germany has increased, leading to a related rise in the number of airspace reservations. The Soviet military, by excluding Allied flights from parts of the corridors, has more room for its own maneuvers. An additional military goal would be to reduce Allied intelligence-gathering capabilities by shutting out Western flights from the lower altitudes of the corridors.

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In our view, moreover, Soviet motives go beyond immediate military objectives. This is suggested in part by the fact that the Soviets have not used the airspace during many of their reservations. Indeed, US officials in West Berlin have concluded that, after monitoring their actual flight activity on a regular basis, the Soviets could conduct their training exercises quite well with very few reservations and without using the disputed space at the end of the corridors nearest to Berlin. The Soviets, in the view of US officials in West Berlin, have made the conscious decision to inconvenience Allied air traffic for a marginal gain in military exercise flexibility.

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More serious, in our view, are the political implications of the new Soviet behavior. By acting unilaterally to change the regulation of airspace use in the corridors, the Soviets have departed from quadripartite management of the air corridors. US officials have noted repeatedly that reestablishment of four-power cooperation is the chief goal in the talks currently under way with the Soviets in the BASC.

Although the new reservation policy initially may have been motivated by military considerations, Moscow's subsequent refusal until December to reverse or modify this decision was a political one. Soviet political authorities clearly were aware of the air corridor issue—the Allies had raised the issue several times in Washington, Paris, and London, and with the Soviet Ambassador in East Berlin. Moreover, Soviet political authorities in Berlin appeared to be well aware of the moves of Soviet functionaries in the BASC, and at times Soviet approaches to the Allies were well coordinated—unlike in the past. Indeed, US officials in West Berlin believe that Soviet and East German activity since 1983 suggests that at some point in that year they made a policy decision to seek changes in the Berlin air regime.

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Soviet Motivations. The Soviets probably have been motivated in part by some level of concern for the safety of all flights in the corridors. Indeed, the new policy was announced shortly after the Allies complained about a near collision in the southern corridor between a Soviet military aircraft and a civilian passenger airliner.

In rationalizing their new air corridor policy, the Soviets have used several arguments that clearly

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We believe, however, that there are other overriding motives for the new Soviet policy, including a military rationale. US officials in West Berlin agree that the Soviet military probably was responsible for the initial

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conflict with the letter and spirit of postwar agreements on air access. Soviet officials have justified unilateral changes by referring at times to *their* responsibility for air safety in the corridors. They also claim that Soviet military needs take priority over Allied access. Such argumentation is not new, however, and has been a regular part of Soviet presentations on the corridor regime for years. The Soviets have endlessly repeated this rationale in meetings both in the BASC and at the political level since February as justification for tightening restrictions on Allied use of Berlin airspace.

Prospects for Solution. Despite important practical and symbolic benefits, we do not believe that Soviet authorities are willing to risk a crisis over the issue. Indeed, the Soviets probably took the action because they concluded that the Allies were limited in what they could do in response. The Allies protested against the new restrictions, but observed them in practice. We believe it is possible that the Soviets interpreted the initial Allied reaction to the restrictions as acceptance of the new regime.

Rather than reawaken European fears of Soviet aggression, Moscow probably will continue to work toward achieving its objective in the air corridors in a quiet and gradual manner. The Soviets have tried to keep the discussions out of the political and public arenas, preferring instead "technical" discussions in the BASC. Yet during BASC discussions for most of last year, the Soviets appeared to adopt a stalling tactic. While inefficiency and poor organization may account for some of the delay, the lack of progress seemed more the product of design. Soviet representatives in the BASC repeatedly asserted that they did not have the authority to make decisions regarding the reservations, and that they could only pass on information to enable their superiors to evaluate Allied proposals. At one point, they admitted that the issue was "political," even though higher officials continued to insist it was "technical."

The Soviets' unwillingness to accept the validity of Allied concern will be an obstacle to reaching a permanent solution. The Soviets reject the Western argument that the new restrictions present a safety hazard. They have told US officials that any Soviet pilot could safely fly any Allied plane in or out of

Berlin with the new restrictions. The Soviets generally place less of a premium on passenger comfort than Western nations do. The average Soviet military commander in East Germany no doubt is far more concerned about flexibility in training his forces than about whether Pan Am passengers have their ears "pop" during descents into West Berlin. It is possible that nothing short of the publicity surrounding a plane crash would convince the Soviets that an overriding safety factor is at issue here.

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Ultimately, the prospects for a favorable settlement—one that brings a return to the appearance of quadripartite management and sets geographic limits on reservations sufficient to eliminate any safety hazards—probably would be enhanced most if an East-West thaw led Soviet political authorities to decide that this issue is not worth sustaining as an obstacle to improved relations. Indeed, the first breakthrough on the air corridor issue occurred in December when the Soviets notified reservations for less than the full length of the corridors and indicated to Allied officials in West Berlin that "most" of their future airspace reservations would contain similar geographic limits. This unexpected demonstration of flexibility may have been timed to influence Allied discussions of Berlin issues at the NATO ministerial meeting in early December. It also may have reflected increasing Soviet interest in smoothing over secondary disputes with the United States in anticipation of the meeting in January between Secretary Shultz and Foreign Minister Gromyko.

The new Soviet position on reservations is a mixed bag for the West. On the positive side, the Soviets have accepted the Western demand for geographic limits and the notion that these should be greater when higher level reservations are made. The Soviet controller in the BASC has expressed a willingness to explore agreement on establishing firmer guidelines for future reservations, and has referred to the recent Soviet flexibility as a "first step" toward a solution to the problem. The atmosphere of recent BASC meetings on this subject has improved appreciably. On the negative side, newly proposed reservation-free areas at the eastern end of the corridor remain less than the

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Allies would like. The most recent reservations terminated 14 kilometers (8.7 miles) west of the BCZ, whereas the Allies believe that a distance of 25 to 30 kilometers (16 to 20 miles) is necessary for their needs. Moreover, the Soviets continue to assert that their reservations are based on military requirements. [redacted]

The new Soviet reservation policy does represent an improvement over a Soviet proposal made to the Allies on 29 February 1984. According to the earlier Soviet proposal, the Allies, on a permanent basis, would be assigned altitudes between 3,500 and 11,000 feet or between 4,500 and 12,000 feet. The altitudes below the floors would be reserved for the Soviets, who would, as a result, need fewer temporary reservations of the space normally used by Allied flights. The Soviet controller asked that any new agreement be in writing and noted that, should the Allies refuse, they could expect considerably more temporary airspace reservations for the remainder of the year. In each case, the new altitude regulations would extend the entire length of the corridor. When the Allied officers claimed that, in effect, the Soviets were suggesting a rewriting of the 1946 agreement, he responded that such was indeed the case. [redacted]

On the surface, the Soviets were offering a compromise that for the first time would have given the Allies the right to use airspace above 10,000 feet. Western airlines would have welcomed this aspect of the offer, given that they prefer to fly at higher levels to conserve fuel and because the ride is smoother. [redacted]

This earlier Soviet proposal also had numerous shortcomings that would have left Allied rights and prerogatives severely circumscribed. Allied planes would still be forced to enter and depart from the BCZ at unacceptably high altitudes, thus leaving a principal Allied safety concern unaddressed. Moreover, the Soviet "compromise" would have required the Allies to abandon their claimed right to use the lower altitudes of the air corridors while still allowing the Soviets to make unilateral reservations in the upper altitudes (with only the promise of reduced frequency). And the Soviet proposal offered no guarantee that the Soviets would not continue to chip away at Allied rights in the future. [redacted]

Despite these signs of Soviet flexibility, Moscow appears to have no intention of returning to the pre-20 February geographic limits on reservations ranging from 34 to 50 kilometers (21 to 31 miles) from the edge of the BCZ. The Soviets still are asserting the right to make unilateral adjustments in the Berlin air corridor regime, contrary to the Allied position that management of the corridors is a four-power responsibility. [redacted]

A more cooperative Soviet attitude could come about if President Reagan decides to visit West Berlin in May. The Soviets probably would seek to avoid handing the United States the potential propaganda coup that would result from a Presidential visit coinciding with continuing press reports that the Soviets are tampering with Allied air access. Before the President's last visit in 1982, the Soviets unexpectedly became cooperative on a number of Berlin issues. [redacted]

The Soviets might also move to satisfy Allied demands if the West, despite possible problems with Western public opinion, escalates its response to unilateral actions beyond verbal protests. This would appreciably boost the potential costs to Moscow of its piecemeal efforts to erode Allied access. But such Allied reactions are risky since we cannot be certain how the Soviets will respond. The Soviet response to a specific Allied action would depend on the nature and timing of the action, the local circumstances leading up to it, the state of East-West relations at the time, and other factors such as leadership politics in Moscow. [redacted]

Given the West's vulnerability in Berlin, the Allies have few options in responding to Soviet behavior, while Moscow has many options for counteractions. The Allies could take actions against Soviet interests in and around Berlin, but these would be largely limited to harassment of Soviet personnel. Another option would be to take action on a non-Berlin issue of importance to Moscow, clearly linking such a move to the Soviet position on Allied rights in Berlin. For example, the United States could tie continued refusal to reinstate US landing rights for Aeroflot to the air corridor issue. The Allies could also make further

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high-level demarches, perhaps accompanied by a stated readiness to send demonstration flights through disputed airspace at the eastern ends of the corridors. These options would not carry the risk of a military incident in Berlin, but could nevertheless provoke Soviet counterreactions, including increased harassment of Allied personnel in and around Berlin.

Actual demonstration flights through disputed airspace would be the riskiest option since they could result in the shooting down of an Allied aircraft. Even if the Allies were to limit their penetration of reserved airspace to the disputed miles at the ends of the corridors, the Soviets could increase military air activity in the area to enhance the risk for the Allies of midair collisions.

Although risks always will exist, we believe there are conditions and times when strong Allied responses—including demonstration flights—have a greater likelihood of successfully deterring the Soviets from abridging Allied rights, or of forcing the Soviets to acknowledge Western positions. Ironically, we believe a strong response is more likely to achieve Western objectives when Moscow has a solidly perceived interest in improved relations with the West. In such an environment, Soviet leaders probably would be more reluctant than they are now to permit Berlin issues to pose an unnecessary burden on overall East-West relations. We also believe the effectiveness of stronger Allied actions would be greater—and the risks probably less—if they were taken in the early stages of a dispute.

In the case of the air corridors, a strong response shortly after 20 February 1984 would have demonstrated to the Soviets how seriously the Allies viewed the situation. Indeed, available evidence shows that the Soviets did not initially use the disputed airspace, suggesting they probably were waiting to see how the Allies would respond. We believe that now, however, the risks are fairly high that stronger actions would undercut—rather than reinforce—the apparent recent Soviet willingness to compromise on Berlin issues. The leadership situation in Moscow and the course of East-West relations remain uncertain, and statements by Soviet officials in Berlin indicate they believe they already are taking steps to assuage Allied concerns on Berlin issues. At some point in the future, especially if US-Soviet relations improve and the Soviets continue to impinge on Allied rights, stronger

actions may stand a greater chance of success at lower risk.

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Other Challenges to Air Access. The Allies continue to encounter corridor problems with the Soviets apart from the issue of reservations. For example, the Soviets periodically revive their argument that the air corridors of 1946 were established to supply Western military garrisons only and that civilian flights are illegal. Unlike civilian surface transit and Allied air access, civil air traffic in the air corridors remains the only significant element of Berlin access—outside of free access throughout Greater Berlin—that has no legal basis as far as the Soviets and East Germans are concerned since it is not based on any written agreements. In contrast with other modes of access, West Germans and other non-Allied air travelers can commute to West Berlin under the auspices of the Allied access regime without submitting to East German border or transit controls. The Allies maintain that the postwar agreements on air access do not restrict the purpose of Allied aircraft transiting the corridors.

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In line with their view of limits to Allied air access rights, the Soviets are protesting about the number of Allied civilian flights. Last April, Soviet officials in the BASC complained that the number of civilian flights recently had increased, even though Allied records show that they in fact have diminished in number over the last decade.³ The Soviets demanded that, contrary to previous practice, the names of civilian companies be registered on flight cards presented in the BASC.⁴ On 7 April, the Soviets threatened to have a civilian flight—a small corporate jet—shot or forced down. The Soviet controller in the

³ The number and duration of nonmilitary flights through the corridors has declined by more than one-third since 1970. This can be attributed to use of higher capacity, faster flying aircraft. Moreover, with the improved conditions for ground transit resulting from the QA and transit agreement in 1971, the number of passengers choosing to fly to Berlin has declined by more than one-third.

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⁴ Airplanes owned by private US, British, and French companies have flown to and from Berlin through the air corridors for many years. Currently, such flights number about 10 per month. Flights of aircraft owned by private individuals of Allied nationalities are even less frequent. When the Allies notify the Soviets in the BASC of impending flights, they provide only that information needed to ensure safety of flight. In addition, the British and French routinely note whether the aircraft is civil or military.

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BASC claimed that refusal to name the company would force the Soviet command to "assume that the aircraft may be a combat or personal aircraft and this runs counter to the QA." The US officer relented once it became clear that Soviet fighter aircraft were circling in the center corridor waiting to intercept the unsuspecting jet. The Soviets have not repeated that particular approach, but the Allies basically have yielded to the Soviets by allowing them to examine the books available in the BASC that list the owners and registration numbers of all planes. [redacted]

The Soviet threat to shoot down the plane was an attack on long-established practice and quadripartite management and almost certainly was well coordinated. In the view of the US Mission, Soviet behavior on this and prior incidents showed that it is the provision of the information by the Allies, as opposed to the information itself, that is the Soviets' main concern. The Soviet approach—strong statements in the BASC and through political and military channels, combined with the threat to the aircraft and the actual launching of interceptors—showed the extent to which they were prepared to go to force Allied acquiescence in this matter and to demonstrate their authority over flight traffic in the corridors. [redacted]

The Soviets also have sought periodically to enhance the prestige of the East German regime by proclaiming its sovereignty on certain issues and tolerating East German violations of the air access regime. For example, East German helicopter flights in the BCZ increased in 1983. And, in early October 1984, the East Germans flew helicopters in the BCZ during the celebration of the 35th anniversary of the founding of the East German regime. From the Allied perspective, these flights not only violated the demilitarized status of Berlin, but also the provisions of the 1946 rules of flight that all four powers must agree on any changes to the air regime. Soviet officials, for their part, claim the East Germans have the right to fly over East Berlin because it is East German territory. [redacted]

Last February, the East German parliament passed a new law giving East Germany "exclusive sovereignty" over all East German airspace. The East German legislation does include some wording that could be interpreted as providing formally—if obliquely—for the continued exercise of Allied air rights. About the

same time, Soviet officials in the BASC asserted that smaller airlines of the Allies would be required to obtain East German permission to fly in the corridors.⁵ In this case, the Soviets once again sought to distinguish between flights supplying the garrisons (over which the Soviets would retain responsibility) and all other Allied flights. In practice, the Soviet and East German threats appear to be more bluster than anything else. It is highly unlikely that the Soviets would yield authority over the corridors or BCZ (outside of East Berlin) to the East Germans. [redacted]

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Relations Between Soviet and Allied Military Liaison Missions

Liaison relations between the United States Army Command in Europe (USAREUR) and the Group of Soviet Forces Germany (GSFG) definitely have cooled since 1983. This has been evident in new travel restrictions on Allied military liaison missions (MLMs) operating in East Germany, the Soviet military's rejection of proposals for a CINC-to-CINC meeting, increased harassment of the MLMs by Soviet and East German military forces, Soviet complaints about the Allied procedure of "exchanging" credentials, and, possibly, by the temporary closure of the Glienicker Bridge. Although the relationship between the Soviet and Allied MLMs does not technically constitute a "Berlin issue," we believe that an examination of this issue can help explain the environment in which Berlin problems now are being discussed. [redacted]

According to the Chief of the USMLM, the downturn in relations between USAREUR and GSFG appears to be the result of a deliberate Soviet policy and, in his view, can be traced to the fallout surrounding the KAL shootdown. In November 1983, for the first time in 10 years, no Soviet general attended the

⁵ US officials in West Berlin have sustained regular contacts with Soviet officials in forums such as the BASC. As a result, personal relationships develop, and it sometimes is difficult to tell when statements reflect personal factors (such as the mood of the individual on a particular day) or specific instructions. US officials suspect that Soviet statements alleging East German control over small Allied airlines may not have been made under specific instructions, as they were not followed up in subsequent meetings. [redacted]

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*Soviet Airspace Reservations:
A Numerical Summary*

According to BASC records, despite substantial Soviet changes in the air corridor regime last year, the total number of Soviet reservations notified and implemented in 1984 was almost identical to 1983. From 20 February to 16 October 1984, the Soviets notified 76 reservations, of which 59 were implemented. During the same period in 1983, the Soviets notified 75 reservations and implemented 56. [redacted]

There have been significant fluctuations in Soviet reservations and flying activity since the length-of-the corridor reservations went into effect (see figure 4):

- *From 20 February until mid-April, the Soviets made reservations and carried on a normal level of exercise activities, but avoided flying through the reserved airspace.*
- *From late April until early June, the Soviets made only two reservations and did little flying.*
- *In June, the Soviets filed reservations regularly and used the airspace.*
- *In July and August, the Soviets did a lot of flying but seemed to be making a conscious effort to fly above or below Allied altitudes.*
- *In September, there were frequent reservations, some at higher levels than normal, and many last-minute changes.*

USMLM Thanksgiving dinner in Potsdam. Moreover, the Soviets have since turned down several invitations for a CINC-to-CINC meeting. In contrast, following such a meeting between General Kroesen—the outgoing US CINC—and General Zaytsev earlier in 1983, the Soviets had indicated they would like similar meetings in the future.⁶ The US invitations for a

⁶ Until the Kroesen-Zaytsev meeting, the United States, believing that such high-level contacts were inappropriate in the aftermath of the Soviet invasion of Afghanistan, had been the main obstacle to a CINC-to-CINC meeting. The new Soviet reluctance to attend Allied functions could be a belated, post-INF reciprocation of our own post-Afghanistan boycott. Until recently, Allied MLMs had kept down attendance at Soviet functions [redacted]

• *On 15 November, the Soviets flew through reserved space adjacent to the BCZ for the first time since 29 June. This reservation also was the first ever implemented by the Soviets in the month of November. The level of overall flight activity, however, was low even by November standards.*

• *The number of reservations increased again in December along with the level of Soviet flight activity.* [redacted]

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The total duration of reservations also has fluctuated considerably, from 87 hours in March to five hours in November (see figure 5). In April, May, July, August, September, and December the total duration of reservations was less than for the same months in 1983.

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The Soviets in recent months have been doing better in terms of providing advance notification of reservations, but still are below the 24 hours that Allied controllers would prefer. Between June and October, the average hours of advance notification consistently was above that for 1983 (see figure 6). [redacted]

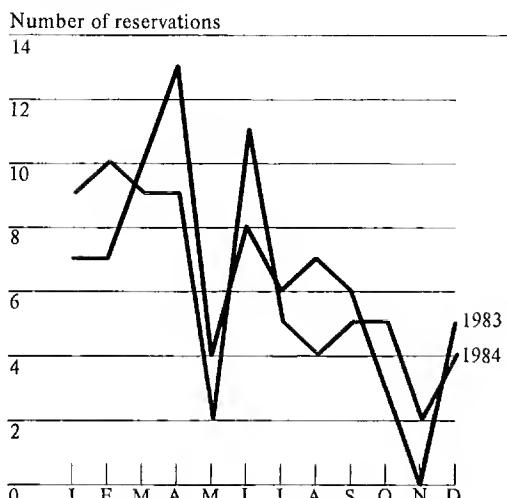
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meeting between Zaytsev and the new Chief of USAREUR, General Otis, were intended to respond to this perceived Soviet desire. Although the Chief of Staff of GSFG did attend last year's Thanksgiving dinner at the USMLM Potsdam facility, he indicated that a CINC-to-CINC meeting was unlikely given the steady deterioration in US-Soviet relations [redacted]

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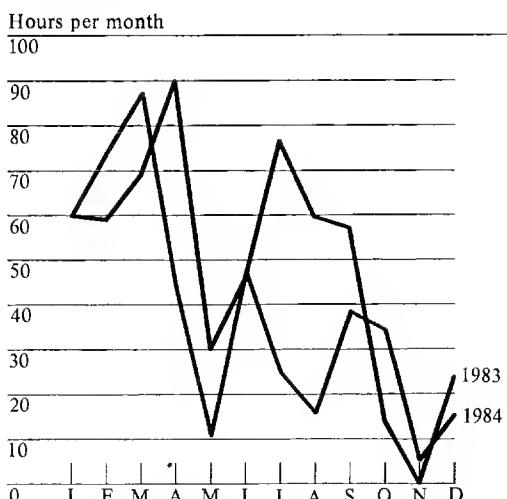
Figure 4
Number of Soviet Airspace Reservations Implemented, 1983 and 1984



Source: Berlin Air Safety Center records.

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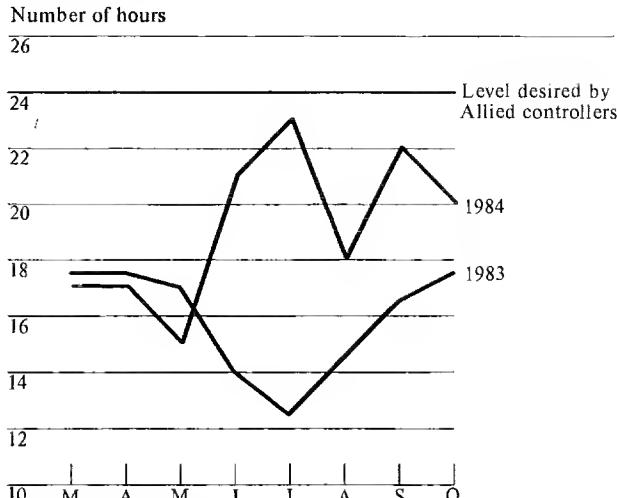
Figure 5
Duration of Soviet Airspace Reservations, 1983-84



Source: Berlin Air Safety Center records.

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Figure 6
Advance Notification of Soviet Airspace Reservations, March-October 1983 and 1984



Source: Berlin Air Safety Center records.

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The Permanently Restricted Areas (PRAs). On 16 May 1984, the Soviet military command in East Germany informed the Allied MLMs of new travel restrictions in East Germany.⁷ At first glance, the changes do not look like much (see figure 7) because the amount of territory included in the new PRAs remains roughly the same as in 1978.

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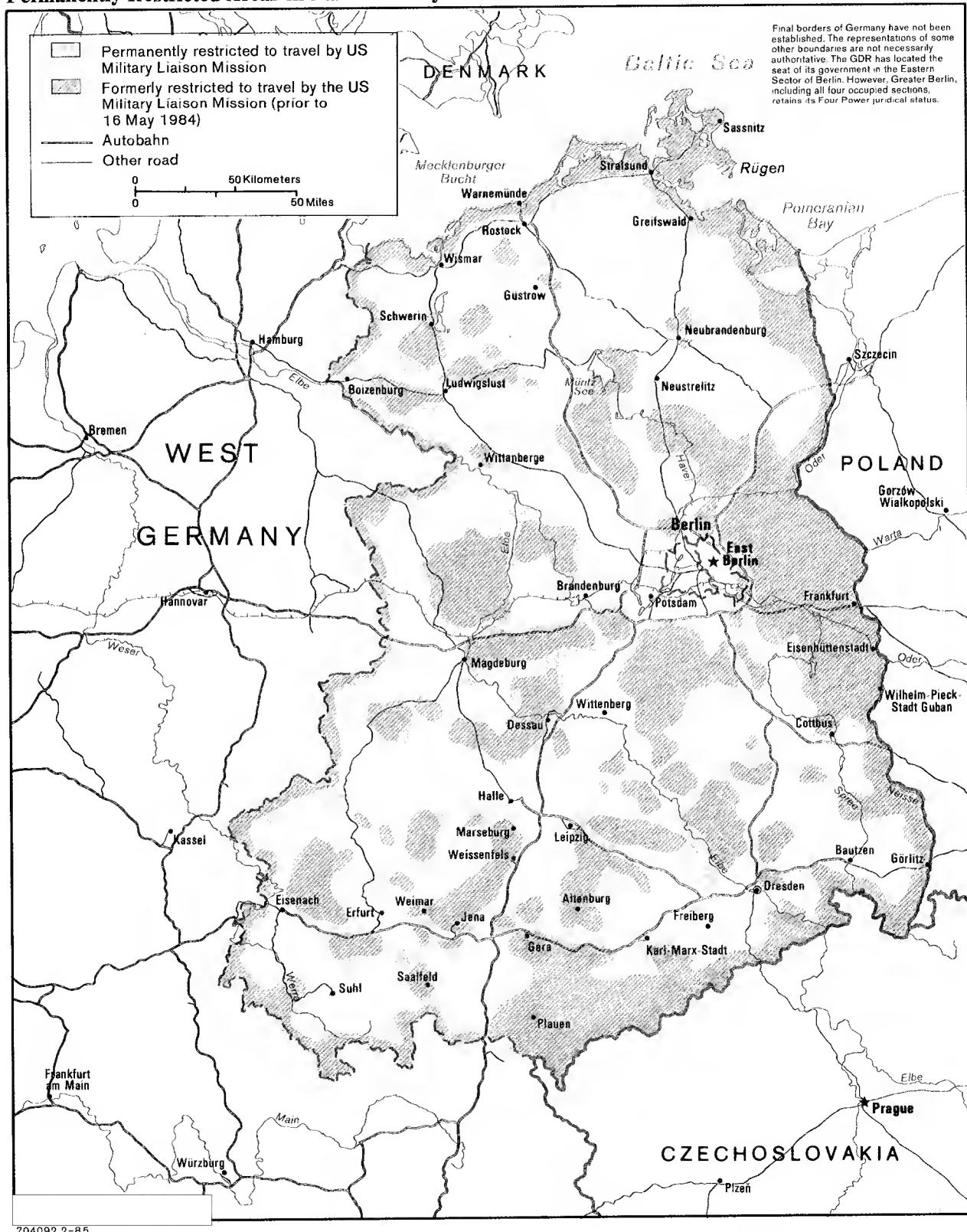
⁷ Since the inception in 1951 of PRAs—those areas which are off limits to the MLMs—the Soviets have redefined the PRA borders nine times. The most extensive changes—in terms of an increase in area covered—occurred in 1974. Minor adjustments were made in 1978.

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Figure 7
Permanently Restricted Areas in East Germany



Virtually all nonautobahn roads and bridges are closed to foreign military personnel, as are roads that run along the borders of the PRAs. Allied military personnel also are forbidden to stop along the autobahn. In addition, a large number of training areas, observation points, transit routes, and airfields previously open to the missions have been enclosed.

The new restrictions do more, however, than impede mission collection efforts. USAREUR claims they severely restrict the free and unimpeded transit guaranteed under the Huebner-Malinin and other agreements (see inset). The Soviet action does not actually breach the letter of these contracts, but the new restrictions appear to violate their spirit.

The Soviet motivation in this case appears to be largely military. Soviet officers probably recognized that Allied mission officials have gathered very useful information for years, and they simply may have hoped to obstruct Allied intelligence gathering. They may well have been contemplating such a move for some time and sought to take advantage of strains in East-West relations to impose the changes last May.

US military authorities report some progress may be made with the Soviets in reducing some of the new restrictions. The Allies retaliated against the new Soviet measures on 18 July by increasing the area of West Germany covered by PRAs to 39.2 percent—an area identical to that covered by PRAs in East Germany. Previously, the percentage of West German territory covered by PRAs was less than the percentage covered in East Germany. The new Allied restrictions also served to box the Soviets in around their

⁸ The Soviets ingeniously redrew the boundaries to create problems in transiting East German territory to arrive at operational areas. Indeed, it now takes up to four hours longer to get into some of these areas. The Soviets also built in choke points to provide greater control over Allied MLMs. For example, in cases where Allied missions now are forced to use only one available road, their presence can more easily be detected and monitored. In other instances where no roads are available through choke points, access to particular open areas effectively has been cut off. It should be noted that the Soviets did give the Allies back some areas previously classified as PRAs, the largest being in south-central East Germany in the vicinity of the Czechoslovak border. This area contains East German—as opposed to Soviet—controlled military facilities. US military authorities note that these are of lesser interest and that the East Germans are more efficient and aggressive than the Soviets in conducting counterintelligence operations.

headquarters in Frankfurt. The Soviets later threatened to retaliate in the Potsdam area where the Allies still have relatively free access. Both sides, however, value the intelligence-collection opportunities available to the MLMs, and there appears to be a reluctance to cut down further on opportunities. Indeed, the GSFG Chief of Staff agreed with his US counterpart on 17 November that the fundamental need now is to reduce the amount of territory in PRAs. There already has been some vague talk among Soviet and Allied military officials about going back to the 1978 map. Other possibilities, in the view of US military authorities, include a negotiated “build down” from the present map, or a return to the old map while negotiations on a “build down” are going on. Still, no actual agreement appears in sight.⁹

Harassment of Allied MLMs. The level of Soviet and East German harassment of Allied MLMs—including incidents of violence—also began to increase in 1983. In response to Allied complaints, the Soviets stated that vehicular rammings and overly aggressive surveillance are the results of misguided individuals and are not GSFG policy. US authorities believe that even if GSFG does not prescribe such behavior it probably condones it. The US authorities believe it is possible that the Soviet military decided at a higher level to be “stricter” with Allied MLMs, and that the orders became exaggerated—including the sanctioning of violence—by the time they reached lower levels.

The number of incidents involving Soviet military forces began to decrease only after a French soldier was killed on 22 March when his vehicle was rammed by an East German military vehicle. Harassment of Allied MLMs by East Germans has continued unabated, however. It is not clear whether the Soviets are encouraging the East Germans, or whether the East Germans are acting on their own on the assumption that the Soviets will not intervene.

⁹ GSFG Chief of Staff Colonel General Krivosheyev proposed to his US counterpart on 17 November that the issue be resolved by “entrusting some specially empowered individual or groups on each side to work out a mechanism by which the PRAs could be reduced. If their recommendations should coincide, then reductions could be effected.”

The Military Liaison Missions

Each of the four powers victorious in World War II has military liaison missions in Germany. The three Western Allies have missions accredited to the commander in chief of Soviet forces in East Germany, headquartered in Potsdam, and the Soviets have missions accredited to each of the Allied commanders in chief in West Germany. The Soviet MLM accredited to the US commander is located in Frankfurt. The legal right to such missions derives from two four-power agreements signed toward the close of the war, specifically the agreement of 14 November 1944 between the United States, the United Kingdom, and the Soviet Union, amended on 1 May 1945 to include France. These agreements specify that "each Commander in Chief in his zone of occupation will have attached to him military, naval, and air representatives of the other . . . Commanders in Chief for liaison duties." These agreements later were supplemented by bilateral agreements between the USSR and each of the Western victors.

The US-Soviet protocol, the Huebner-Malinin Agreement of 5 April 1947, specifies among other things:

- *Each mission will consist of no more than 14 officers and enlisted personnel established, respectively, at Potsdam and near Frankfurt.*
- *There will be no political representatives.*
- *Each member of the missions will be given identical travel facilities to include identical permanent*

Soviet Complaints About Credentials. According to the agreements setting up the MLMs, the United States and the Soviet Union each have "credentials" for 14 people at their respective headquarters in Potsdam and Frankfurt. Over the years, the USMLM kept one duty officer at its Potsdam facility and used West Berlin as its main headquarters. The USMLM has taken advantage of West Berlin's location 20 minutes from Potsdam to rotate personnel constantly through the 14 accredited billets. As a result of this practice, US collection possibilities were maximized because none of the US billets was ever vacant

passes in Russian and English languages permitting complete freedom of travel wherever and whenever it will be desired over territory and roads of both zones, except places of disposition of military units, "without escort or supervision."

- *The buildings of each mission will enjoy full right of extraterritoriality.*
- *In each zone the mission will have the right to engage in matters of protecting the interests of their nationals and to make representations accordingly, as well as in matters of protecting their property interests in the zone where they are located. They have the right to render aid to people of their own country who are visiting the zone where they are accredited.*

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The Soviet agreements with France and the United Kingdom are substantially the same, although the number of mission members varies. Neither the British nor the French have political representatives as mission members even though they are not precluded from doing so in their agreements. The British agreement does not contain the reference to permanent parties, and the paragraph concerning the protection of interests of nationals present in the accredited zone includes the restriction on "authorized" visitors.

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because of sickness, TDY, leave, or other reasons. On the other hand, the Soviets have not been in a position to engage in similar exchanges because of the distance between Frankfurt and East Germany.

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This disparity has not escaped the attention of Soviet authorities. On 11 July, they sent a letter to the USMLM "strongly recommending" that the number of credential exchanges be curtailed. They stated,

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moreover, that each exchange would now be treated as a new document issuance and would require submission of full personal data to include photography. The Soviets claimed that the 14 US passes were used by 290 different people "last year" (presumably 1983, but not specifically defined). In response, US authorities have reduced the use of exchanges somewhat in order to demonstrate to the Soviets that their concerns are being addressed. The USMLM maintains that collection will not be hindered by a moderate reduction in the level of exchanges. Although the USMLM believes Soviet efforts to reduce the one-sided US advantage are understandable, it believes the Soviets must realize that the timing of their request sends further negative signals. The Soviets are continuing to raise this issue. [redacted]

Closure of the Glienicker Bridge

In October 1984, East Germany formally notified the West Berlin Senat that it would close its half of the Glienicker Bridge "for renovation" on 15 November. The East German spokesman added that his government actually planned only to strip away the pavement and keep the bridge from collapsing; it would not be reopened to traffic. The Western powers made it clear to the Soviets and West Berliners that they wanted the bridge to remain open and, toward this end, the East Germans and the Senat began discussions. The bridge was closed for 12 hours on 15 November but reopened by the East Germans on the understanding that an agreement with the Senat was near. In early December, the East Germans and the Senat reached an agreement in which the East Germans unexpectedly backed away from their earlier demand that West Berlin pay for future maintenance of the bridge in addition to the immediate repair costs. We do not believe the East Germans had an interest in coming to a quick agreement to keep the bridge open, and their retreat may have been at the behest of the Soviets, who were looking forward to the possible resumption of an arms control dialogue with the United States. Indeed, the East German flexibility came only days after the Soviets showed flexibility on the air corridor issue. [redacted]

The Glienicker Bridge is the major crossing point for Allied MLM personnel when traveling between West Berlin and their headquarters in Potsdam (see figure 1). Other users have been diplomats. It is not open to

transit travelers or tourists. By closing the bridge the Soviets and East Germans would not have breached any particular agreement, but adequate means of access are inherent in the agreements establishing the MLMs. [redacted]

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Unlike on many other Berlin issues, in this case the East Germans did need to be considered since they own the half of the bridge on East German territory. The Allies' interest in using the bridge, on the other hand, derives from a four-power matter (the MLMs) that needed to be discussed with the Soviets, as opposed to the East Germans. [redacted]

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Soviet and East German Motivations. The East Germans themselves have no interest in keeping the bridge open and would benefit by anything that inconveniences Allied MLMs. Consequently, we believe the East German threat to close the bridge was designed to force the Senat or the Allied authorities to finance East Germany's share of the bridge repairs. In the absence of Soviet pressure to keep the bridge open, if the Senat had not fully met East Berlin's financial demands, we believe the East Germans would not have hesitated to have kept the bridge closed. [redacted]

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The Soviets probably had little reluctance to support East German demands. But they also had a large stake in seeing the problem settled since Western retaliatory measures would almost certainly have been aimed at the Soviets more than the East Germans. For example, the Allies could have reduced the number of crossing points into West Germany available to the Soviet MLMs. Forcing the Soviets to use the Helmstedt crossing point in northern Germany would have greatly increased the MLM's transit time to Frankfurt. Possibly reflecting Moscow's interest in resolving the issue, General Zaytsev on 7 November expressed his "personal view" to the head of the British MLM that there was no reasonable alternative to the Glienicker Bridge for Allied access. Soviet and East German actions leading to the bridge's reopening on 15 November seemed closely coordinated, suggesting that Moscow may have pressured East Berlin. A Soviet diplomat in Washington later told a US official that he had "no doubt" that the Soviets had played a role in keeping the bridge open. [redacted]

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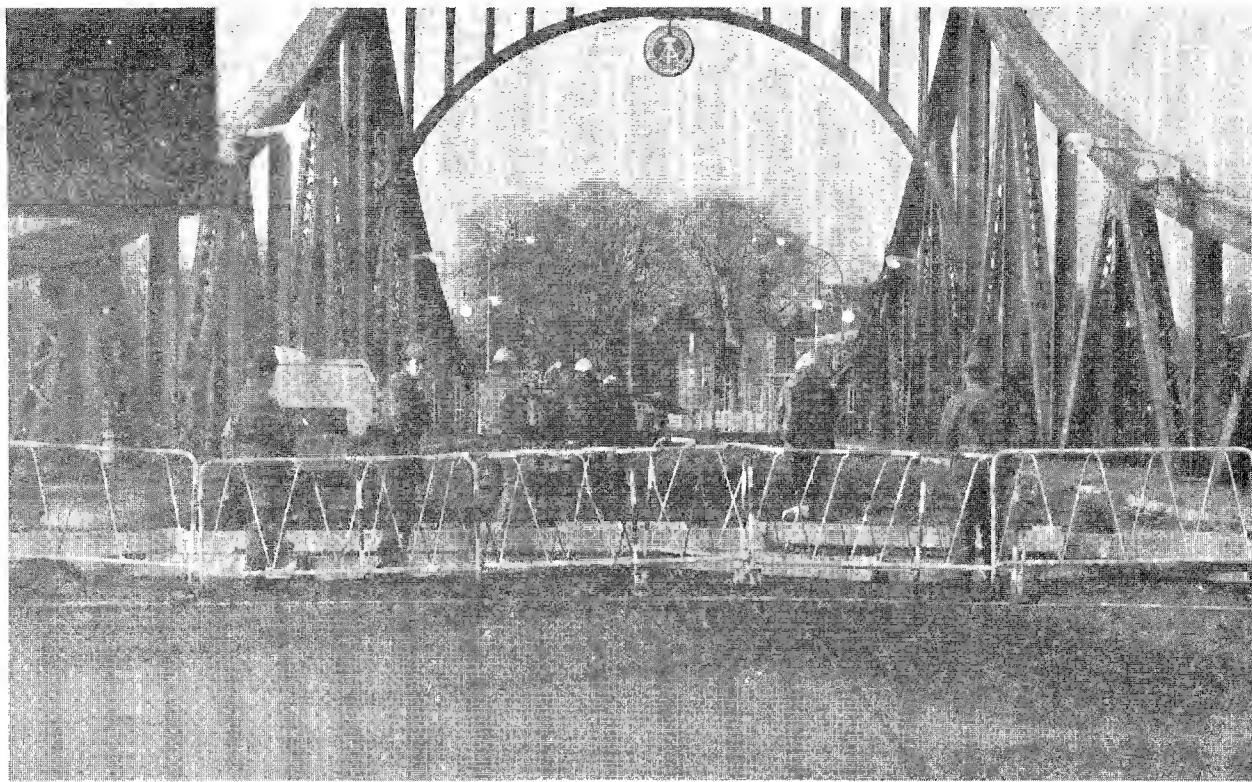


Figure 8. The Glienicker Bridge. An East German work crew arrives to dismantle the barricade erected at midnight, 15 November 1984.

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Impact of the Closure. US military authorities in West Berlin maintain that closure of the bridge would not have harmed collection efforts. It would have, however, more than doubled the transit time to Potsdam. Soviet military authorities told their Allied counterparts that "comparable procedures" for the MLMs would be established at the Drewitz crossing point. Allied officers already have used the Soviet checkpoint at Drewitz on occasion, but this option is unattractive for several reasons. MLM vehicles could be subject to delays when other traffic is heavy. In addition, US military officials believe that sole use of Drewitz would permit the Eastern authorities greater control and monitoring of the Allied missions and increase the likelihood of public knowledge of incidents involving the MLMs

Although the practical effects on MLM operations of closing the bridge could have been overcome, the issue's greatest importance was symbolic. The bridge

closing would have represented another unilateral change by the Eastern side of a heretofore accepted practice in Berlin. Closure of the bridge, moreover, would have received extensive press attention, as was proved by media commentaries when the bridge was closed for only a few hours. If the Allies had been unsuccessful in keeping the bridge open, this development could have fueled public sentiment that the Allies are impotent vis-a-vis the Soviets in Berlin and reduced public confidence in the Allies' ability and willingness to defend West Germany or West Berlin in a crisis.

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Moreover, what had started as a Soviet/East German–Allied issue easily could have become an irritant in Allied relations with West Germany and West Berlin. Senat officials told the Allies on 30 October

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that they had done all they could in trying to reach an agreement with East Germany and that the matter rested with the Allies. A few days later, the West German Foreign Ministry informed Allied officials that it supported the view that the Senat should pay only if it gets something in return from the East Germans. In the view of US officials, the Senat seemed to believe that the bridge would be closed and was maneuvering to shield itself from public criticism by arguing that keeping the bridge open is an Allied responsibility. In the end, the Senat did not get anything in return. Some question remains as to where the funding for the project will come from, with the West Germans preferring to use occupation funds.

Factors Behind Soviet Behavior

Current and past Soviet actions in and around Berlin reflect Moscow's long-term goal to gradually erode Allied rights in Berlin, keeping the threshold below crisis level on any one issue. A more proximate factor contributing to last year's troubling actions on Berlin issues, we believe, was Soviet frustration over failing to block NATO's initial INF deployments. Soviet measures on the air corridors and military liaison mission travel have an inherent military rationale suggesting that recommendations by Soviet military commanders in East Germany—whose military requirements now differ considerably from those that existed when the access understandings were established—may have weighed heavily in Kremlin deliberations. Soviet political authorities may have approved such recommendations as a convenient way to signal to the West the costs of increased East-West tensions.

Soviet political authorities, who were made aware of Allied suspicions about the motives for their decisions regarding Berlin, did little to assuage Western concerns besides offering verbal reassurances. They probably were less inclined to preserve four-power understandings by denying Soviet military requests related to Berlin, and they may even have seen political utility in making life difficult for the Allies over Berlin. By forcing a series of incremental changes on the Allies, the Soviets positioned themselves to lay exclusive claim in the future to responsibilities and rights that are quadripartite in nature.

Soviet decisionmaking regarding Berlin in 1984 may also have been affected by leadership changes in Moscow. The air corridor and MLM travel decisions were implemented at a time when the top-level leadership picture was in considerable flux after the accession to power of General Secretary Chernenko and may have reflected increased influence on the part of Gromyko. Soviet behavior in the BASC last summer and fall suggested that Soviet air controllers were having a difficult time getting higher level military and civilian authorities to make a decision on specific proposals for settling the air corridor controversy. For several months the chief Soviet air controller was unable to report any firm decision from his superiors on his own proposals or on those offered by the Allies. In late October, the Soviet controller in the BASC said that the issue might take "months or years" to resolve. In November, he apologized for the delay in getting Moscow to respond to the proposals on the table, saying that he had tried to find out the reason for the silence but had had no success.

West Germany's participation in INF deployments and the lifting of the remaining Western European Union (WEU) restrictions on West German conventional armaments—as well as the Kohl government's rhetoric on reunification and active intra-German policy—no doubt are causing Soviet authorities to view Bonn as a greater threat. This, in turn, makes the Soviets even more sensitive to Bonn's efforts to expand its influence in West Berlin. The frequency of Soviet protests about Bonn's behavior appears to be increasing, and their tone is becoming more threatening. A perceived Allied failure to contain assertive West German behavior could provide Moscow the pretext for seeking further changes in the status quo in Berlin.

The Soviets also must contend with the East Germans, and tensions between East Berlin and Moscow occasionally run high. The East Germans—for reasons of both internal security and prestige—seek to gain greater control over the free movement of Allied forces in Berlin. (We believe East German officials are irritated to have Allied troops and personnel from the MLMs moving freely through the streets of the

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"capital of East Germany" and between the city and the Federal Republic.) In our judgment, Moscow will yield to East Berlin's wishes when the costs are low and the risk of Allied retaliation is small. [redacted]

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Problems Created by the West Germans

In evaluating threats to the Western position in Berlin, it should be noted that the West Germans themselves sometimes present a problem for the Allies. Allied and West German interests are identical in some important respects: the West Germans do not want an erosion of the Western position in Berlin, and they do not want West Berlin to become a focal point for East-West tensions. Allied and West German interests also differ in some important respects, however, and Bonn's actions in Berlin—although not deliberately so—occasionally serve to undermine the Western position and sometimes risk provoking the Soviets. In particular, Bonn is constitutionally bound to regard West Berlin as legally a part of the Federal Republic.¹⁰ This conflicts with the Allied and the Soviet view. The West German position has become more stridently evident in the Kohl government's rhetoric. For example, shortly after he became Chancellor in October 1982, Kohl traveled to West Berlin with British Prime Minister Thatcher and declared "Berlin is not just any other German *Land*, it is the heart of our Fatherland." [redacted]

The Quadripartite Agreement holds that the Federal Republic is not to exercise direct state authority over the Western sectors of Berlin. The QA does, however, permit the maintenance and development of ties between the Western sectors of Berlin and the Federal Republic. This provides much room for disagreement, as the West Germans are eager to expand their influence in West Berlin. The West Germans believe they are entitled to greater influence both because, in their view, West Berlin is an integral part of the Federal Republic and because Bonn subsidizes more than one-half of West Berlin's total budget. [redacted]

¹⁰ The Federal Constitutional Court regards Berlin as a West German *Land*, or state. The West Berlin Senator for Federal Affairs, moreover, publicly has espoused a theory about the "legal unity" of West Berlin and the Federal Republic. [redacted]

In pursuing stronger ties between the Federal Republic and West Berlin, senior levels of the Kohl government and the West Berlin Senat do not always appear sensitive to the restraints needed to keep Berlin trouble free. For example, on 9 September in Berlin Inner-German Affairs Minister Heinrich Windelen addressed the annual meeting of the Union of Expellees. The Soviet protest of Windelen's participation—which was predictable given the location of the meeting and its "nationalistic" substance—contained charges of Allied "connivance" in permitting these acts of German "revanchism" to take place in Berlin. The Soviets, as they periodically have done in the past, also point out that the number of high-level West German visitors to the city has been increasing. Another recent problem involved West German plans—now postponed until at least June 1985—to establish a German Cultural Foundation in West Berlin. Soviet protests in connection with these plans have been unusually strong; yet US officials had difficulty convincing the West Germans of the risks involved in establishing the foundation at this time.¹¹ [redacted]

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Problems sometimes also have arisen in the efforts by West Germans and West Berliners to pursue improved intra-German relations. Visits by West German officials to East Berlin for meetings with East German officials, as well as talk of improving contacts between the Bundestag and East German Volkskammer, undercut the still official Allied position that East Berlin is not the capital of East Germany. By doing this, the West Germans are reinforcing the Soviet position that four-power responsibility applies not to Berlin as a whole, but only to the Western sectors. Bonn has not been supportive on some issues—such as diplomatic passports at Checkpoint Charlie—which touch on questions of free Allied movement through the entire city. As noted above, the West Germans also were not totally cooperative on the Glienicker Bridge issue. [redacted]

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¹¹ The West Germans argued that the Cultural Foundation was to be privately incorporated and therefore was not a "federal" institution *per se*. Nonetheless, it was being set up by the West German *Laender*. Administration of the Foundation was to be by the West Berlin Senat. Its four or five employees would work within the office of West Berlin's Senator for Cultural Affairs. [redacted]

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An effort has been made to keep the most recent Berlin problems from public view [redacted]

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[redacted] the West Germans view the latest developments as one more test of US and Allied resolve to maintain access to West Berlin and defend the viability of the city. Mayor Diepgen has stated this on numerous occasions to Allied officials, recommending firmness throughout. The West German press also has expressed concern over Soviet objectives, and even Kohl reportedly supports a firm Allied response. [redacted]

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Last year saw two notable failures by the West Germans to consult with the Allies on issues directly affecting Berlin: (1) the West Germans' acquiescence in differentiated treatment for West Germans and West Berliners in the concessions worked out in exchange for the most recent loan to East Germany, and (2) the agreement between Lufthansa and Interflug to provide charter air service for trade fairs. Bonn's lack of consultation on intra-German matters is not a new phenomenon. Most West German governments have had the view that intra-German relations are "German business" and that the conduct of this relationship should not be exposed to the Allies at every step of the way. Moreover, the problem is partly cyclical. When a new team enters government, it is not as aware of consultation procedures. [redacted]

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Advance consultations are important, however. Much of the emphasis on the "status" of the Western powers in Berlin is a question of public relations or perceptions. If the Allies are aware of an event in advance, they can cope with the political fallout by at least claiming that it does not affect the "status" of Berlin. This is done in a much less credible manner if the Allies are forced to prepare and offer their explanations only after an action has occurred. [redacted]

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There also is a disturbing trend in West Germany and West Berlin to focus negative attention on the Allies in West Berlin as "occupying powers." Mayor Diepgen, for example, has sought to enhance his political

prospects in the city election next month through a well-publicized campaign to get the Allies to agree to "clean up" some bits of outdated legislation. There recently has been a spate of West German media commentaries critical of the Allies. *Der Spiegel* attacked the Allies for tapping phones and opening mail without judicial approval, as well as for using Allied legislation to prosecute demonstrators. Another article attacked the British for their handling of a controversy dealing with construction of a shooting range in the Gatow section of West Berlin. It suggested that the Allies consider establishing an "arbitral body or means of legal recourse" for the review of Allied decisions. The US Mission senses a growing resentment of Allied authority in Berlin that is not limited to the political left. [redacted]

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The Allies face a dilemma in dealing with the West Germans on Berlin issues. Any perceived criticism of Bonn is likely to fuel public sentiment against the Allies, as well as undercut the pro-NATO government now in office. On the other hand, allowing the West Germans more latitude vis-a-vis Berlin undercuts the Allied position and risks providing the Soviets with excuses for additional provocations. [redacted]

Differing Allied Perspectives

In responding to challenges to the status quo in Berlin, the need to develop coordinated Allied positions occasionally hampers the West. The time that is lost in this process frequently permits the Soviets and East Germans to establish new precedents and *faits accomplis*. Moreover, the expectation that the Allies may differ on an issue encourages the Soviets and East Germans to take additional provocative actions. [redacted]

The Allies approach Berlin issues from different perspectives, and this sometimes hinders the development of coordinated positions. The British tend to view Berlin issues in terms of their impact on UK-West German bilateral relations. Such considerations, for example, made London more reluctant than Paris and Washington to criticize West German plans to establish a German Cultural Foundation in West

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Berlin. The French, on the other hand, view Berlin issues more in terms of their role as a victorious power in World War II. As a result, the French generally take a hard line against any perceived erosion of Western rights. The French, for example, have been much less agreeable than the United Kingdom and the United States to Mayor Diepgen's efforts to "clean up" Allied legislation. A notable exception to the French concern about status questions is the plan for French Prime Minister Fabius to visit East Berlin in the near future—the first visit at that level by an official of the Western occupying powers. US officials fear that the French precedent may be used by the West Germans to justify a similar visit by Kohl or Federal President von Weizsaecker. [redacted]

Given their concern about status questions, the French generally support US positions once they understand the issues involved. The problem with the French, according to US diplomats, is that they generally take longer to confront the issues and develop a position. They do not send their best people to Berlin (they have virtually no German-language capability in Berlin) and are organized in a highly military fashion—meaning that every decision must be cleared with Paris. [redacted]

The British have their own approach. US diplomats are frustrated by the amount of time British diplomats want to spend assessing possible Soviet motivations, rather than addressing the issue at hand. [redacted]

The differing perspectives clearly have come through on individual issues. The British generally have not been enthusiastic about US efforts to play up the issue of harassment of diplomatic passport holders at Checkpoint Charlie. The British, unlike the Americans and French, do not use diplomatic passports, and see nothing to be gained by escalating the issue. On another issue, in contrast to the US position, the British and French generally have been willing to provide Soviet controllers in the BASC with company names of corporate aircraft transiting the corridors. On the issue of Soviet air corridor reservations, the United Kingdom still does not see it as a major challenge. The French also were slow to comprehend the seriousness of the issue. This may stem from the fact that they were less inconvenienced than the

United States: only two Air France flights transit the corridors daily in contrast to about 75 Pan Am flights. [redacted]

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Despite differences of perspective, Allied coordination on the air corridor issue has been relatively good. The only specific difference of opinion has arisen over what distance from the edge of the BCZ the West should propose to the Soviets as a reservation-free zone. The British in the past have been willing to accept 24 kilometers (15 miles), eight less than the US Mission in West Berlin would like. More serious differences of opinion probably will arise if it becomes necessary for the Allies to consider sending demonstration flights through reserved airspace. [redacted]

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Conclusions

We do not believe that the West faces an imminent crisis in Berlin. The Berlin situation, despite the irritants noted in this assessment, remains relatively calm, especially when compared with periods in the past and considering the general tenor of present East-West relations. The magnitude of Soviet and East German actions to date almost certainly does not directly endanger the Western presence in Berlin. In practice, Western access has been inconvenienced, but not stopped or reduced in any significant way. [redacted]

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Nonetheless, the Western position is not as good today as it was a year ago. Soviet actions appear aimed more at gradual erosion of Allied rights rather than at outright intimidation, but the problem of erosion of access rights is a serious and longstanding one. Lacking very clear and specific rules, both sides have come to regard the access regime as a system of self-perpetuating practices based on precedent. Given differing perspectives of Allied rights in and around Berlin, precedents, once established, are difficult to reverse. Moreover, when a right ceases to be exercised, whether by volition or as a result of pressure, it loses its validity. If enough practices are altered or wither away, the East may perceive a fundamentally changed situation. Prevention of further erosion requires Western vigilance in responding to Soviet and

East German actions, as well as in preventing the development of new situations that can be exploited by the East. [redacted]

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The West faces a difficult task in responding to Soviet and East German efforts to erode Western rights. In addition to difficulties in achieving agreement among the Allies on responses, there are dangers in escalating disputes over seemingly minor technical issues such as the extent of corridor reservations. In these cases the European public at large would have a difficult time understanding either why the West was allegedly creating a crisis or was not reacting strongly enough to Soviet provocations. This would not be the case in the event of a clear provocation, however, such as total closure of the corridors. And this probably is one reason why the Soviets have not attempted any bold acts that actually reduce Western access. [redacted]

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More serious Soviet challenges in the near future cannot be excluded. A significant further deterioration in East-West relations might prompt Moscow to do something in the Berlin area to demonstrate Western vulnerability. In particular, the Soviets might be tempted to react in Berlin if they believed US actions jeopardized important Soviet interests in regions less accessible to Soviet military power. The Soviets could also use greater West German activity in the city as a pretext for more assertive Soviet behavior. [redacted]

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Appendix A

Legal Differences and Uncertainties

Four-power agreements relating to air and land access to Berlin were never entered into on a high governmental level. Thus, the three Western Allies could later cite only somewhat ambiguous Allied Control Council decisions, low-level working papers, and subsequent exchanges of notes as documentary support for access practices. The agreements of the Allied Control Council defining the air regime were the only decisions taken at a significantly high level and the only ones set out in some detail. However, even these left open the question of whether the occupying powers had exclusive right to the corridors or only priority for their use. Furthermore, many important procedures and details were left open to interpretation by both sides, especially rules for identification and inspection of Allied rail and autobahn travelers. The absence of clear four-power agreements on access made it easier for the Soviets to harass Allied travelers over the years and made it incumbent on the Western side to argue that the Allied right of access derived not from such agreements, but from the right of the Allies to be in Berlin as victors in World War II. [redacted]

In the Western view, Allied rights are not derived from a Soviet concession and include the right of free and unrestricted access to Berlin, as well as freedom of movement for all Allied personnel within Berlin. The Allies consider their rights unaffected by the breakdown of the Allied Control Council or the withdrawal of Soviet representation from the Allied Kommandantura in 1948. None of the four powers can be deprived of its rights and obligations except by agreement with the other three powers. Similarly, Allied rights cannot be limited by Soviet actions, by any actions by East Germany, or by any agreements concluded between the Soviet Union and East Germany. [redacted]

The Soviet view of the legal situation has not been presented to the Western side in a consistent manner. The Soviets variously have maintained that certain four-power agreements were unilaterally violated by

the Allies and that these and other agreements therefore are null and void; that the West incorrectly interpreted these agreements; or that the situation had changed to the point that the earlier four-power agreements were simply overtaken by events. Over the years, the Soviets also have taken equivocal and contradictory positions with regard to East German sovereignty and the extent to which it is limited by reserved rights retained by the Soviet Union. Despite many statements supporting East Germany's claim to total sovereignty over its territory and over the Soviet sector of Berlin, the Soviets have never fulfilled their threat to sign a separate peace treaty with East Germany. In addition, the Soviets have continued to accept the presence and activities of the Allied military liaison missions and the flag tours of East Berlin by Allied military forces from West Berlin—both of which diminish East German claims of full sovereignty. [redacted]

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Because of ambiguities in the Soviet position, the actual Soviet legal view of Berlin and Allied access can only be inferred from various statements and actions. Moscow claims that the four powers decided largely on grounds of administrative convenience to make Berlin the seat of occupation and of governing the whole of Germany. This decision was taken at the sufferance of the Soviet Union, which was both the anticipated and actual original occupying power in the city. In agreeing with the Western powers that they should have a certain status in Berlin, the Soviet Union believes it contractually ceded some of its victor's rights. This Soviet position leaves Moscow in a position to argue that it has special responsibilities and can make unilateral changes in the access regime. [redacted]

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The Potsdam Agreement of 1945 held that the joint occupation of Germany was to be a temporary measure pending the final peace settlement. In Moscow's

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view, when the Western powers merged their occupation zones to create the Federal Republic, they destroyed the basis for four-power decisionmaking with regard to Germany and Berlin. Therefore, the Soviet Union gradually transferred most of its rights and responsibilities to East Germany. As far as the Soviets are concerned, "Germany" no longer exists and there remains only one area—the Western sectors of Berlin—under residual occupation. The three Western powers retain administrative responsibility for these three sectors, while responsibility for the status and security of West Berlin as a whole rests equally with the four powers. This interpretation provided the legal basis for Soviet participation in the QA and for continuing Soviet supervision of Allied access.

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Although, in the Soviet view, East Germany has assumed total sovereignty over its airspace and territory, including East Berlin, the Soviets temporarily retain "control" over the movement of military personnel and supplies of the Allied forces to and from West Berlin. Other Soviet statements and actions suggest that the Soviets do consider that they retain residual rights and responsibilities vis-a-vis East Germany and Germany as a whole. These include Soviet and Allied maintenance of military liaison missions in East and West Germany, along with Soviet supervision of Allied access to Berlin. It is also suggested by the name given to the Soviet armed forces in East Germany: "Group of Soviet Forces Germany."

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Appendix B

Road and Rail Access

Unlike the Berlin air regime, no written agreements exist to govern the Allies' access to Berlin by road and rail. There do exist low-level working papers, Allied Control Council decisions, and exchanges of notes—all largely ambiguous—but none of these documents represents high-level concurrence. Nor do they detail the practices to be followed. As a result, road and rail access is governed by the practices established over the years through precedent and repetition. [redacted]

Theoretically, the Western Allies justify their surface access to Berlin on the right of Allied presence in the city, based upon the London Agreements of 1944. Allied theory maintains that the right to be in Berlin entails the right to support and maintain the garrisons, something inherent in their status as occupiers. This requires the Allied powers to establish and maintain appropriate surface and air communications between Berlin and their respective former zones of occupation. [redacted]

The first recorded agreement regarding surface access dates from a meeting between Generals Clay and Weeks and their Soviet counterpart Marshal Zhukov on 29 June 1945. Up to this point the Soviets had not responded to Allied requests for discussions of access to the former Reich capital, but at this meeting Zhukov answered Allied concerns by offering one highway (between Hannover and Berlin), a single rail line, and one air corridor for Western use. Clay accepted the allocations as a temporary arrangement, and did not press for a written agreement out of concern that this would deny the Allies broader access routes in the future. The verbal assurances given by Zhukov to guarantee Western access exist only in the notes of the meeting recorded by the West. [redacted]

A short time later, on 7 July, Clay accepted the Soviet contention that it was the Allies' responsibility to provide the Western sectors of the city with food and fuel, which, naturally, had to be transported from the Western zones of occupation in Germany proper. While this agreement first appeared to place considerable burdens on Allied shoulders, it later proved the

basis for expanding Western access to the city. On the one hand, it gave the Allies responsibility for feeding the population of West Berlin. Yet it also established the right of the Allies to ship materials over the access routes destined for civilian use, not just that of the Allied personnel. [redacted]

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Access by rail was affected in particular by the day-to-day decisions of the Allied Control Council during the early months of the occupation. This Council was a four-power body convened to work out supply and transportation problems between the victorious powers, and, while some of the problems were solved by military authorities on the spot, others were resolved by Council committees. One reason for the confusion and varying interpretations of later years is that the Council was charged with treating problems in Germany's general economic welfare, not Berlin access problems, particularly as legal or political issues. [redacted]

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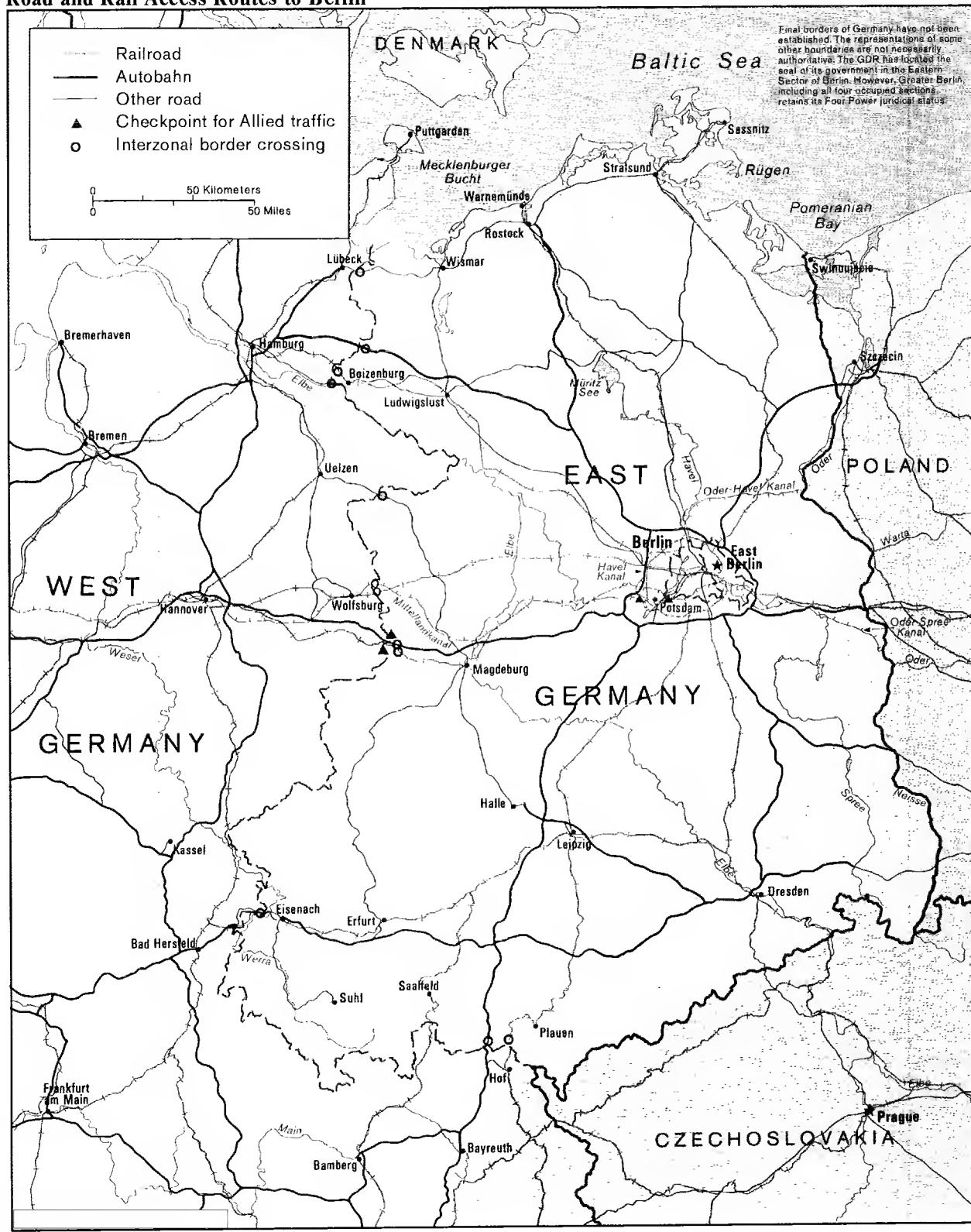
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The most important Council agreements on rail access are those from 10 September and 21 October 1945. While the Soviets claimed the agreements gave them ultimate control over Western rail access, they did grant the Allies the right to provision the city's Western sectors with a specific number of freight trains over certain train paths. These were later secured in the Helmstedt Agreement on Rail Traffic on 11 May 1949, which covered the technical details involved in lifting the blockade. Most important, in Western eyes, the agreement served to establish the right of Allied and civilian rail access. [redacted]

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Figure 9
Road and Rail Access Routes to Berlin



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The Soviets have never agreed, of course, with the Allied contention that Allied surface access to West Berlin covers both civilian—including German—and Allied Forces personnel. The Soviet position claims that the rules governing Allied access cover only members of the Berlin garrisons, those traveling to and from Berlin on official business, and the freight shipments consigned to or from the Berlin garrisons. All remaining goods and travelers should be subject to Soviet authority. By 1956 the Soviets had transferred much of this authority to the East Germans, largely in the Bolz-Zorin Agreement of that year. The Allies protested that Allied access could be altered only by four-power agreements; those between East Berlin and Moscow did not release the Soviets from their responsibilities for ensuring the normal functioning of "transportation and communications between the different parts of Germany, including Berlin." Nonetheless, over the years the Soviets and East Germans have attempted to implement unilateral changes to sharpen the distinctions between official Allied personnel and all other travelers.

Despite this, Allied rail access functions much as it did in 1945. There have been periodic attempts to subject trains to East German control, and until 1960 the Soviets occasionally attempted to board the trains for inspection. One significant agreement was reached in 1956 when the Allies agreed to present identity documents, but refused to permit Soviet authorities to board the trains, a practice that continues to this day. In 1961 the Allies agreed to remove East German refugees—if found—after the Soviets halted a train at Marienborn to search for a refugee. The Allies concurred that the duty trains should not serve as a traveling political sanctuary.

During the late 1950s and early 1960s, the Soviets attempted to establish their control over Allied vehicles traveling on the autobahn in East Germany. After quadripartite consultations in 1957-58, use of orders covering individual and convoy movement was set. In the early 1960s, the Allies agreed to a uniform practice of notifying Soviet authorities in advance of all convoys over eight vehicles or 25 men. The Soviets could verify the number of personnel by counting them, but they were not allowed to board the vehicles

or check personal documents. In addition, the Allies agreed to leave rear doors open while passing Soviet checkpoints.

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Over the years, however, access by nonofficial Allied and German personnel has gradually come under East German control. After 1949 the Soviets gradually gave authority over civilian transportation to the East Germans. In 1953, for example, the East Germans won control over customs arrangements, and in 1954 the Soviets withdrew their military personnel from the highways. The most important step came in 1956 with the Bolz-Zorin Agreement, in which the Soviet Union granted full control over all civilian transit to and from Berlin through East German territory to East German authorities. The agreement also empowered East Berlin to negotiate future transit agreements with Bonn.

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The Quadripartite Agreement of 1971 reversed this trend in theory. The Soviet Union reassumed ultimate responsibility for guaranteeing Western access to Berlin, reversing its earlier decision to transfer authority over non-Allied Forces personnel to the East Germans. In everyday practice, however, the East Germans continue to exercise authority over nonofficial travelers, a practice confirmed in the QA's transit agreements between Bonn and East Berlin.

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